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Federal Appeals Court Sharply Curbs Police Use of Deadly Force Against Felony Suspects

In a landmark decision a Federal appeals court recently ruled that it is unconstitutional for a police officer to apply deadly force against an escaping felony suspect who has not used violence or threatened the lives of other people.

The ruling by the United States Court of Appeals for the Eight Circuit in St. Louis "says there have to be constitutional restrictions on the use of deadly force by police," Joel M. Gora, national staff counsel for the American Civil Liberties Union, told the New York Times.

If the decision is widely applied, the court said the decision would invalidate laws in 24 states that presently permit the use of deadly force to arrest "any felony suspect."

The 4-to-3 ruling was severely criticized by the court's chief judge, Floyd R. Gibson. "The state is not required to adopt a policy which might encourage the fleet of foot," he declared.

"There is no constitutional right to commit felonious offenses and to escape

the consequences of those offenses," Gibson wrote. "There is no constitutional right to flee from officers lawfully exercising their authority in apprehending fleeing felons."

In the majority opinion, Judge Gerald W. Heaney asserted that Missouri's law violated the Fifth and 14th Amendments to the Constitution, which guarantee that no person shall be deprived of life without due process of law.

Heaney noted that the state law wrongly presumed that all escaping felony suspects "pose a danger to the bodily security of the arresting officers and of the general public."

"The police officer cannot be constitutionally vested with the power and authority to kill any and all escaping felons, including the thief who steals an ear of corn as well as one who kills

and ravishes at will," Heaney said.

As a result of the court's action, the St. Louis Board of Police Commissioners is expected to order the city's 2,100 policemen to limit their use of firearms.

Board President Theodore D. McNeal told a St. Louis Post-Dispatch reporter that he believed the city's police should abide by the ruling because the decision was likely to stand up in the courts.

"I'm certain that his board and this department will conform with the ruling," McNeal said, noting that he has presented copies of the 42-page decision to the five members of the Police Board.

Although the board president said that he had no personal opinion about the decision, he stated, "I've always opposed the promiscuous use of firearms."

The ruling involved two Missouri

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Crime Soaring, SF Mayor Sets \$5.2M Special Manpower Effort

In an effort to stem a marked increase in violent crime in San Francisco, and in the face of growing criticism of Mayor George Moscone's attitude toward crime, city officials are working on a \$5.2 million emergency program designed to put more police officers on the street and enlist citizen assistance to combat the problem.

"There are no safe neighborhoods any more," the mayor declared. He said that the emergency crime-fighting money will come from San Francisco's share of Federal job funds.

According to FBI figures, San Francisco's murder rate was up eight percent while the average for cities of its size dropped 11 percent during the first six months of 1976.

Although the San Francisco Police Department contends that most of the new wave of murders are drug-related, many of the killings appear to be without motive and committed at random. On the morning that Moscone announced the emergency plan, a New York cab driver touring San Francisco on vacation was shot for no apparent reason at a busy downtown intersection in broad daylight.

Officials also report increases in other types of crime, including beatings and robberies of elderly persons on the city's streets. Alfred Nedler, a member of the city's Board of Supervisors and a former police chief, reported that the overall city crime

tate for 1976 is up 24 percent but that the number of arrests has dropped by 1,588.

The growing concern over San Francisco's crime problems has been spearheaded by local politicians and civic organizations, who contend that Moscone's year-old administration is soft on crime.

"Things are very, very serious," stated John Barbagelara, a member of the Board of Supervisors who unsuccessfully opposed Moscone in the 1975 election. "The Mayor and the police chief like to say it's only a greater public perception," Barbagelara stated. "I think it's just the opposite; that fewer crimes are being reported."

Moscone, along with the district attorney and sheriff elected with him, and Police Chief Charles Gain, whom Moscone appointed, have claimed that much of the current furor over rising crime stems from their decision to modify the relationship between local policing and the changing population of the city.

Describing the changing face of the city populace, Gain noted that San Francisco is "the most open city in the most open society in California, and there is no denying that violence is on the increase here as it is in growing communities elsewhere in the area."

Gain, who has been criticized by members of his own department, as well as by conservative business and civic leaders, for

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Finding Out Who's Naughty and Nice?



N.Y. Daily News Photo

Yes Virginia, this Santa Claus is in fact scrutinizing a .38 caliber revolver. But Mr. Claus's millions of fans needn't worry unnecessarily over this new look that the jolly old elf is showing. Underneath the white beard and red fur coat, this Santa is actually New York City Police Officer Adam D'Amico, who serves as a very capable — and seasonal — decoy in the city's drive on holiday crimes.

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NewsBriefs . . . NewsBriefs . . .

LEAA Reports Death Sentencing Up; 285 Inmates Condemned in 1975

A dramatic increase in the sentencing of the death penalty has been noted in a recent LEAA report which stated that 285 persons were condemned to death in 1975 by state and local courts compared to 151 capital sentences in 1974.

The total Death Row population at the end of 1975 was 479, according to the report, and all the condemned inmates were held by state prisons. No prisoners were under a death sentence in Federal prisons, the report added.

There were no executions in 1975, for the eighth consecutive year, the survey said. It added that state prisons in 27 states received inmates slated for capital punishment. The list included 51 in North Carolina, 30 in Florida, 28 in California and 28 in Ohio.

At the end of 1975, 30 states had at least one prisoner on Death Row, led by North Carolina, with 103, Florida, 62; and California, 39. According to LEAA, these inmates ranged in age from 16 to 67, with a median age of 26. Eight were women; 53 percent were black; and most had failed to complete high school, the report said.

Copies of the report, entitled *Capital Punishment 1975*, can be obtained from the National Criminal Justice Reference Service, Box 24036, S.W., Washington, DC 20024.

Combined European Police Effort Cracks Counterfeiting Ring

One of Europe's largest counterfeiting operations since World War II has been put out of business by the combined efforts of French, West German, and Spanish police, who seized \$14 million in fake American bills, according to French police officials.

A police spokesman said that over 700,000 counterfeit American \$20 bills had been confiscated and four persons had been arrested on charges of printing and circulating the bogus money.

After a month long investigation, police captured bags filled with 491,000 of the bills in a garage owned by Henri Hernandez, a bank employee, at La Seyne near the Mediterranean city of Toulon.

"The imitation was near perfect, but there were some flaws about which we cannot talk," the spokesman said. He added that one of the counterfeiters was arrested in Malaga when he fled to Spain from France and another accomplice was captured in Cologne, West German, carrying more than 213,000 of the bills.

"We believe this to be one of the largest hauls of counterfeit American bills since World War II," the official said.

Nebraska Police Applicant Files Reverse Discrimination Suit

A white police applicant recently filed a "reverse discrimination" suit in Douglas County, Nebraska, District Court against the Omaha Public Safety Department.

District Court Judge Samuel Caniglia issued a temporary restraining order preventing the city from starting a recruit class of 20 officers that was scheduled to begin on December 1.

The suit was filed by Robert Thorsen, whose father is a sergeant in the Omaha Police Division. Portions of the suit asked that the city's policy of trying to hire more minorities be ruled unconstitutional.

Approved by the City Council last year, the policy states that 40 percent of the persons in final interviews for the job of police

officer must be minorities or women.

For example, to establish a class of 20 new officers, 40 names are sent to the police chief by the City Personnel Department. The police division then runs background checks, interviews and polygraph examinations on these individuals. Of the 40 candidates, 16 must be minorities or women. However, the policy states that the chief does not necessarily have to hire 40 percent minorities or women.

Thorsen contends that the names of applicants who have scored lower than him on the physical and written tests are being sent to the chief solely because of their racial or sexual status.

The Omaha Police Division has not had a recruit class in two years due to a hiring freeze.

—Kenneth Bovasso

Federal Panel Opposes National I.D. Card Concept

National identity cards for Americans could make the false identification problem worse instead of solving it, according to a Federal advisory panel.

In its 800-page report, the Federal Advisory Committee on False Identification said it opposed any so-called "national ID card" and "strongly opposes any new type of state or local government-issued ID intended to supersede existing documents."

The committee of 75 government officials, business executives and other private citizens studied the national ID-card proposal in an 18-month search for ways to curb the fraudulent use of such identification papers as birth certificates, driver's licenses, and credit cards.

"Any new system designed to verify and store identity information on over 200 million people" could make the problem worse rather than solving it, the committee concluded.

It asserted that a national identity card scheme "would be subject to defeat by impostors or counterfeiters taking advantage of careless inspection of documents or through corruption of officials. Criminals could reap benefits far greater than they could obtain under the current multifaceted system of identification."

Insurance Journal Reports Traffic Is Top Youth Killer

Traffic accidents account for almost half of the deaths of all children who die in industrialized countries, and the percentage is continuing to rise, according to a report by an insurance industry publication.

The Journal of Insurance said that in 1974 motor vehicle accidents in the United States led all causes of death for persons age one through 24. It added that a total of 20,559 fatalities in 1974 was reported for this age group by the National Safety Council.

Federal Judge Orders Penn. Police To Improve Minority Hiring Practices

A Federal judge recently ordered the Pennsylvania State Police to give minority group members wider hiring and promotion opportunities by modifying a 1974 court order which was aimed at reducing racial discrimination within the force.

United States District Judge Clifford S. Green said the department "has been significantly reduced and hiring and promotion significantly curtailed and delayed" due to "administrative actions" of state police officials.

Department officials, including Commissioner James D. Barger, have contended

that the reductions in personnel were caused by a "financial crisis" that arose after the order in 1974.

Judge Green amended the 1974 order to provide for one minority member to be admitted as a police cadet for every non-minority cadet admitted. The original order had specified a one to two hiring formula.

The 1974 order and its modifications are designed to speed achievement of a 9.2 percent ratio of minority groups in the police force, which is roughly equivalent to the ratio in the general work force.

New York City Names First Woman Precinct Commander

The New York City Police Department recently appointed a woman to command one of its precincts for the first time in departmental history.

Capt. Vittoria Renzullo, the sole female captain in the department, took command this month of the First Precinct in lower Manhattan's financial district. She had been the executive officer of the 13th Precinct since 1973.

Renzullo graduated first in her police academy class in 1960 and was the first woman in the NYCPD to attend the FBI National Academy in Quantico, Virginia.

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NYS Mayor and Police Chief Clash Over Access to Records

In a flap regarding the examination of police records, the police chief of Utica, New York has arrested the city's mayor, the mayor has suspended the police chief, and the city's new commissioner of public safety has been replaced.

Police Chief Benny Rotundo arrested Mayor Edward Hanna after the mayor allegedly broke-in to the chief's office to inspect police records on prostitution and gun permits, according to the New York Times.

The controversy that led to the incident started when Prince Fahad of Saudi Arabia visited Utica recently as the mayor's guest. "I took him out nightclubbing, just to show him I was a regular guy," Hanna said. The mayor added that he was outraged when he and the prince were propositioned at a few of the clubs they visited.

"They knew I was the mayor," Hanna declared. "We had a police escort with us. I had my wife with me."

The following day, Hanna began an anti-prostitution campaign that included checking police department records. He noted that there was possible discrimination and favoritism in granting police permits.

According to Corporation Counsel Joe Mascaro, Rotundo did not actually refuse to show the records to the mayor, but he said he had an appointment and could not wait.

Hanna called a locksmith, went with him to the police station, and ordered him to break into the chief's office, a Times report said. Rotundo telephoned orders to officers at the station and had the mayor and the locksmith arrested on felony burglary charges.

The Corporation Counsel's staff quickly

produced a number of laws which showed that the mayor had the right to inspect the files, but the police refused to listen.

A judge was called in by Mascaro, and the jurist reduced the charges to misdemeanor criminal trespass. Hanna was released without being booked or fingerprinted, and the locksmith was put in jail.

In retaliation, the mayor suspended Rotundo and the five officers involved in the arrest. Sources said that the policemen have recently been reinstated, but that the chief is still under suspension.

The mayor then dispatched his new commissioner of public safety, Mike Fusco, to the police station. Hanna had appointed himself to that post and had been functioning in the role for several months. But when Rotundo balked that the mayor could not legally serve in both jobs, Hanna appointed Fusco.

The commissioner described his visit to police headquarters to a Times reporter: "First, I knocked on the chief's door and told him that in my capacity as commissioner of public safety I wanted to see the department's records. He said no. The next time I knocked, he slammed the door in my face. The third time I knocked, he wouldn't open the door at all."

"Next thing, all these officers started carrying hammers and screwdrivers and a crowbar into the chief's office," Fusco continued. "I understand the crowbar was used to pry the window open. I don't know whether they were moving the records or not."

As a result of the situation, Fusco has relinquished his office to his son Peter, Rotundo refuses to speak with the press, and Hanna is reportedly fuming.

FBI Agents Called In to Probe Connecticut PD Graft Charges

FBI agents are investigating charges of widespread corruption in the Stamford (Connecticut) Police Department which were touched off by allegations that department personnel were involved in an illegal narcotics operation.

Requested by the Stamford Police Commission and the Acting Chief of Police, the bureau probe will also examine accusations that city policemen committed burglaries, accepted bribes and were associated with gambling and organized crime figures.

The actions of high ranking officers of the 270-member force will be under FBI investigation. The officials allegedly covered up the illegal activities and had refused to cooperate with earlier investigations.

Albert M. Lombardo, who was appointed Acting Chief of Police last month following the retirement of Chief Joseph W. Kinsella, called in the FBI shortly after he was sworn in. He met in New Haven with Peter C. Dorsey, the United States Attorney for Connecticut, to request the probe of his department.

"We cannot continue to operate under this cloud of suspicion," Lombardo said after the meeting. "Unless the public has confidence in the integrity of the police department, all our efforts for their protection will be undermined."

Lombardo said he had met with Stamford's three-member Police Commission before requesting the investigation. "It was unanimously agreed that the only way to restore public confidence in the department would be a thorough investigation by an impartial, competent prosecutor," he noted.

Although FBI agents have already begun talking to informers, Dorsey declined to comment on the probe or even confirm that it was underway. However, The New York Times reported that a member of the U.S. Attorney's staff has been assigned to the investigation for almost a month, following a series of articles on police corruption that were published by The Stamford Advocate.

Lombardo has also acknowledged the existence of the investigation. "They will look into it and they will get back to us about it," he told a Times reporter.

The allegations of illegal police activity stem primarily from a petition filed in Superior Court in Bridgeport two years ago that requested a new trial for James Small, a Stamford man convicted in 1971 of drug charges on the basis of testimony by a city detective identified in court records as "Officer X."

"Officer X" was the "head man" of a "large illegal drug ring" operating in southwestern Connecticut, according to records compiled during a 1971 investigation of the department by the state police. The records were subpoenaed by Alan Neigher, an attorney who was appointed Special Public Defender for Small.

According to state police files, the investigation ran into opposition from high-ranking Stamford police officers. The files indicate that two years into the probe, the top officers themselves were being investigated for possible involvement in the drug operation.

The files stated that "Officer X" was retired on a psychiatric disability pension in 1972 and that no criminal or disciplinary action had ever been taken against him or his commanding officers.

Small's petition was denied last year, and his appeal in State Supreme Court that disclosed the state police findings was denied last month. The defendant was released from prison earlier this year after serving more than five years behind bars.

In a related development, an investigation by The Stamford Advocate uncovered facts suggesting that high-ranking police officials were overlooking crimes committed by departmental personnel.

NY Black Cops Mull Union Pullout After Shooting of Youth

An organization representing 1,700 black New York City police officers recently initiated a plan to withdraw from the Patrolmen's Benevolent Association, the city's police union.

The action was taken by the group, called the Guardians Association, after the Patrolmen's Benevolent Association raised \$40,000 bail for a white policeman who was indicted on a charge of second degree murder in the fatal shooting of a black teenager on Thanksgiving night.

Shortly after the release of the indicted officer, Guardian President Howard Sheffy, a sergeant in the NYPD, charged that the union was playing politics with the case, and he began withdrawal procedures.

Sheffy said that the members of his organization would be requested to fill out forms authorizing their withdrawal from the PBA. "After we receive the resignation forms, we'll make a determination on how to proceed," he added. "We're willing to

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Guidelines to Provide More Uniform Sentencing Getting First Use on Limited Scale, LEAA Says

Model sentencing guidelines designed to minimize sentencing disparities are being implemented by a number of jurisdictions throughout the country, according to a recent Law Enforcement Assistance Administration announcement.

Prepared by judges from various states, the guidelines are aimed at reducing instances where one defendant goes to prison while another gets probation in cases with similar facts.

The Criminal Justice Research Center, Inc., of Albany, New York developed the guidelines from data compiled from a recently completed two-year study. The research was funded by a \$348,000 grant from LEAA's National Institute of Law Enforcement and Criminal Justice.

Part two of the project, entitled "Sentencing Guidelines: Structuring Judicial Discretion," concerns the implementation of the guidelines in several cities. It will be financed by a second LEAA grant and will run through the end of next year.

Denver, Colorado put the guidelines into effect on November 15. Generally, all persons sentenced in the future in that city's six criminal courts will be sentenced under the model principles. Although a Denver judge may sentence outside the guidelines, he must provide explicit written reasons for doing so, according to LEAA.

Agency Administrator Richard W. Velde noted that explanations for going outside the new principles would be discussed by the judges themselves every few months and that enough sentencing deviations in a particular type of case would result in

modification of the guidelines.

"The development of the guidelines is one of the major projects financed by LEAA and could have a significant effect on American jurisprudence," Velde said.

Newark Judge John A. Marzulli, who helped develop the model with more than a dozen other jurists, called it "an exciting thing which has the potential for being the greatest contribution that I could make to the criminal justice system in my lifetime."

In the preface of the study's 175-page feasibility report, Judge Anthony M. Critelli of the Fifth Judicial District of Iowa wrote, "I have become convinced that there is really no way for judges in this country at this time to continue to defend unreasoned, guesswork, indeterminate sentencing. But there also no reason to go to the other extreme, unfortunately being suggested by many today, of mechanical and inhuman mandatory sentencing. "Sentencing guidelines are an attractive and intelligent compromise between these two extremes," Critelli declared.

Justice Joseph Mattina of the New York State Supreme Court was representative to the project from the National College of the State Judiciary. He agreed that the model offers a positive alternative to mandatory sentencing. "It offers a much more realistic approach on sentencing and certainly goes a long way towards alleviating disparity in the actual sentences," he said.

A member of the steering and policy committee that formulated the guidelines, Judge James C. Flanigan, of Denver's Cri-

iminal Section, admitted that he had considerable reservations in the early stages of the program.

"At first I was very skeptical with a rather negative attitude," Flanigan said. "But when I learned what was to be done and as we met from time to time, my negativism receded and I became more enthusiastic."

Noting that sentencing is a major problem for a jurist, Flanigan said that a judge "realizes he is dealing with the life not only of the man appearing before him, but of all others related to him — his wife, children, parents, and others."

Gerald M. Caplan director of LEAA's National Institute, said widespread implementation of the guidelines would help achieve equality of justice. "Disparity in sentencing has been an evil in the system that we knew we had the capacity to do something about," he explained.

"We do not know whether for a given individual a one-year sentence is better than a three-year sentence or probation, but we do know that it is wrong to take two individuals convicted of the same offense, with similar backgrounds and criminal histories, and give one probation and the other five years," the director said.

"The extreme disparities in sentencing, now so common and corrupting of our ideas of justice, are not an inevitable by-product of our system of individualized justice," Caplan added.

Professors Leslie Wilkins and Jack M. Kres of the School of Criminal Justice

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Police and Victim Assistance: A Small Department's Approach

By JOHN GERVASIO
and ROBERT KEATING

The victims of crime can be assisted by the police in many ways. The Hamden, Connecticut, Department of Police Service, in cooperation with the South Central Criminal Justice Supervisory Board (SCCJSB) and the Hamden Mental Health Service (HMHS), has initiated a project which seeks to increase the effectiveness of the police in assisting the victims of crime.

The Hamden Victim Service Project is an effort developed in a small suburban town, primarily using existing department resources and incurring little, if any, additional cost to the operational budget of the department.

Over the past five years, there has been a growth of victim programs but they have been developed through District Attorneys' Offices of the various states, (i.e., Cook County, Ill.; Westchester County, N.Y.; Multnomah County, Oregon,) or implanted in relatively large police departments (i.e., Sacramento and Fremont, Calif.; Rochester, N.Y.; and other sites), or established as "independent" public service agencies. Programs are scarce which are operational in cities and towns with fewer than 75,000 residents (Glendale, Ariz., is one example). Most victim programs are located primarily in large urban cities, have necessitated the creation of a new agency or organizational entity or the addition of new staff positions, and have been implemented through funds provided by IEAA, the Police Foundation, or other sources.

The Hamden Department, under the direction of Chief John P. Ambrogio, has implemented improvements in the services

which the police officer delivers directly to the victim of crime (particularly burglary, assault, and rape). These services have been integrated into the interaction between the officer and the victim.

It has often been said that the victim is the forgotten person in the criminal justice system. Very little, however, has been done to correct this situation. Those who have been victimized by crime have often experienced a trauma. The police, as a component of the criminal justice system, can render many meaningful services to assist the victim of crime. Through the improvement of police-victim encounters, the Hamden Department hopes to reduce victim alienation from the criminal justice system and to begin to reestablish the importance of the victim's place in our justice system.

Primarily the Hamden Department has focused its efforts upon two desired results: to improve the victim's sense of well-being following the occurrence of a crime, and to improve the flow of information between the victim and the police officer. Inspector Donald Rhone coordinated program efforts, and the authors of this article were responsible for the research and planning of project activities.

Servicing Victim Psychological Needs

The victims of crime and the police officers who serve these victims bring a complex set of emotions, attitudes, perceptions, needs, and skills to the interaction in which they have become involved. Regaining control over one's life and coping with the crisis caused by the victimization may be a difficult process for the victim. The officer can be more effective in helping the victim after the proper rapport has been

established. The police officer naturally is emotionally affected and must learn to understand more deeply the victim's experience.

When an officer bounces from call to call during busy times his level of tension rises and accompanies him on each succeeding call. He must quickly deal with his own emotions in order to help a victim in his crisis.

Police-victim interaction is the first opportunity the criminal justice system has to assist the person victimized by crime. Often it is the only service the victim will receive from the criminal justice system. An intensive training effort in the Hamden Department sought to develop these skills in department personnel.

Nearly all Hamden police officers of all ranks and divisions were involved in one of three eight-hour Victim Needs Awareness Training classes. The sessions were planned and conducted through a collaborative effort of the Hamden Police Department Training Division, SCCJSB, and the Hamden Mental Health Service. A police officer-victim attitude survey was conducted in the department and provided guidance in constructing the curriculum components. In addition, the publications of Dr. Robert Flint (Dept. of Psychology, University of Minnesota) concerning the psychology of the victim were a valuable resource in the training efforts.

The training class was designed to allow the officers to analyze the process of handling crime victims. A film showing a variety of people in a realistic enactment of becoming victims was used. The officers observed the "victims" and engaged in discussions concerning victim needs and reactions and police officer response. Rarely had the officers had the opportunity to slow down this process of interaction or to analyze the techniques of communication which comprise their response to a victim. These training efforts were designed to improve the awareness and skills of the officers.

Counseling Services

For many people the experience of becoming a victim of a serious crime may be so devastating that more intensive aid must be sought. The Hamden Mental Health Service is a Town-financed agency which offers psychological and counseling services. Members of the staff have become acquainted with the needs of victims and can provide counseling which responds to these needs. The officer who conducts the preliminary investigation informs the victims of the availability of these services. Dr. Thomas Tondo of the HMHS was active in project activities.

Servicing Victim Information Needs

It is not uncommon for a victim to be interviewed by police officers in a preliminary investigation and then not receive any further information on the progress or disposition of his case. Most people are unfamiliar with the steps the police take in the investigation of a crime. The police officer can act as a valuable resource in the provision of useful information to the victim.

The Rand report, *The Criminal Investigation Process* (1975), recommends that programs be designed which will increase the victim's desire to become involved. The Hamden program has approached this problem by developing information and feedback sources for the victim of crime. Two primary avenues of communication are used. First, a brief pamphlet has been designed which answers the many questions which often arise after a victimization occurs. It stresses the importance of the collaborative effort of the police and citi-

zenry, provides information on police procedures, and outlines the department's crime prevention services. Next, the victim is informed of steps he can take to aid in the investigation of the case, his rights as a victim, and the availability of counseling services.

A case progress notification system is currently in the design phase and will be implemented in the near future. Many victims call the police department several times after the initial investigation has been completed in order to find out how much progress has been made on their case. Some departments (i.e., Rochester, Sacramento, and Fremont) have established policies of informing victims of the status of their cases. Follow-up evaluation conducted in Fremont indicates that people appreciate being informed of case status, even though the investigation may not have met with positive results.

The policy in Hamden will be to telephone victims (burglary, robbery, assault, and rape) to inform them of case investigation progress, suspension, closure, arrests made, and property recovered. Final disposition of arrested and convicted offenders will be available upon request. These efforts will be the responsibility of the Investigative Services Division of the Department.

The elements of this program and similar programs can strengthen the alliance between the criminal justice system and the victim of crime. There is much more that can and must be done. The importance of the role of law enforcement agencies in serving the victim can no longer be neglected.

Use of Computers In Patrol Planning Is Seminar Theme

Two training seminars designed to train law enforcement personnel in the use of computers to plan both patrol beats and work schedules will be held early in 1977.

The five-day sessions will be presented by The Institute for Public Program Analysis (TIPPA) at its St. Louis, Missouri headquarters.

Entitled "Computerized Police Patrol Management Using the Hypercube Programs," the first course will take place from January 31 to February 4. "The seminar is designed for persons who design patrol beats, manage police operations, participate in negotiations relevant to police services, or are involved in management research or consulting related to police field services," a TIPPA spokesman said.

The second seminar, to be held April 18-22, will deal primarily with computer techniques for designing work schedules. The spokesman said the material would apply to both civilian and military police operations, private security services, emergency medical services and similar agencies.

Both courses offer "hands on" computer experience and the instruction of Drs. Nelson Heller and William Stenzel.

The tuition fee for each participant in the seminars is \$395, payable in advance. The fee includes the cost of all text and instructional materials required and all data processing expenses associated with classroom exercises.

For additional information, contact: Dr. Nelson Heller, The Institute for Public Program Analysis, 230 South Bemiston, Suite 914, St. Louis, Missouri 63105. Telephone: (314) 862-8272.

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presented by

John Jay College of Criminal Justice

January 31 -- February 4, 1977

This seminar is the result of the coordinated efforts of the Fire Science Department, the Science Department and the Criminal Justice Center of John Jay College. The subject of arson will be examined in all its facets from the work of the field investigator to that of the forensic scientist. Our aim is to provide the basic knowledge needed by fire investigators to combat this rapidly increasing crime.

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Selected Topics

- types and motives of arsonists
- criminal investigation
- survey of chemistry and physics of fire
- combustion properties of common fuels
- investigation of structural fires
- investigation of explosions
- capabilities of the forensic lab
- insurance co. investigation role

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The registration fee of \$50.00 includes coffee and seminar materials. Checks should be made payable to the Criminal Justice Center and sent to Ms. Nancy Rutkowski, Criminal Justice Center, John Jay College of Criminal Justice, 444 W. 56th St., Room 3203 S, New York, NY 10019. For more information, call (212) 247-1600.

Inmate Job Program Changes Funded by LEAA in Three States

Three states are implementing inmate work programs designed to prepare prisoners for meaningful outside careers through the modernization of prison industries, according to a recent LEAA announcement.

In separate, Federally-funded projects, Connecticut, Minnesota and Illinois plan to revamp their prison industries so that inmates will get the same work experience inside prison as they would on the outside. Project methods include setting profit-making goals, hiring according to ability, paying standard wages based on productivity and lengthening the workday to seven or eight hours.

The overall \$2 million program is based on a study directed by Robert J. Christie, formerly the vice president of Econ, Inc. of Princeton, New Jersey. The \$650,000 LEAA-sponsored survey focused on prison industries in seven states.

"At present, the industries bear little relationship to the outside world," Christie said, noting that his study found short prison workdays, poor wages, no quality control and work assignments based on security precautions rather than on skills.

According to Connecticut Commissioner of Corrections John R. Manson, his department will expand present industries at the Somers institution. Immediate improvements will include a print shop and an optical laboratory, while long-range plans call for the implementation of a

microfilm service, a data processing system, and a musical instruments repair shop.

Connecticut will use some of its \$595,000 grant to buy or lease sophisticated equipment, including a duplicating machine for the print shop. Manson said the shop should be able to increase its sales from a current \$86,000 annually to an estimated \$400,000.

According to LEAA, Minnesota will use its \$498,193 grant to beef up job programs at the state prison for men at Stillwater and the Minnesota Metropolitan Training Center at Lino Lakes, an institution for men and women.

The state already has an impressive track record in modernizing its prison industries and dealing with the private sector. "One commercial firm operates the prison food services, paying inmate-employees \$2.50 per hour," an LEAA spokesman said. "Another company runs a computer programming shop in which inmates earn up to \$10,000 yearly."

LEAA money will finance some new industries, including a factory that will process wood chips into fireplace logs and a shop that will repair school buses.

"Our track record shows that this is all going to work," said Stanley Wood, the corrections department's director of private industry. "Private industry here has already shown that if you pay people a standard wage, they're motivated to produce."

The Illinois project will use part of \$450,000 LEAA grant to improve industries at Joliet, where the state will open an auto body and fender repair shop, a data programming system and a graphics business.

At the correctional center in Sheridan, Illinois, the state plans to expand the facility's furniture upholstery and refinishing plant. Correction officials said the expansion will enable the plant to increase production about 80 percent from a current \$6,000 monthly sales level to an estimated \$10,800.

Supreme Court Briefs

Following are summaries of recent decisions of the United States Supreme Court that affect law enforcement and criminal justice.

Death Penalty/Fair Trial

By a 6-3 margin, the Supreme Court has ruled that if a potential juror is excluded from a jury in a capital case because of his or her feelings against the death penalty, any death sentence subsequently imposed by that jury is unconstitutional.

Under the ruling, the prosecution may still use its peremptory challenges, of which they have only a limited number, to exclude persons they feel will vote against the death penalty. No juror, however, may be rejected for cause on the ground of his or her feelings toward capital punishment unless that person is shown to be "irrevocably committed" to vote against the penalty regardless of the facts presented in the case.

Justice Rehnquist dissented from the decision of the Court, joined by Chief Justice Burger and Justice Blackmun. (Davis v. Georgia.)

Prisoner's Rights

The Justices have agreed to hear an appeal of a lower Federal court decision which gave an inmates' union specific rights with regard to the solicitation of new members.

If a state allows prisoners to belong to a union, the lower court said, it may not also prohibit them from seeking members through meetings or the mail. The state was required to give the union the same rights as it already gave such groups as Alcoholics Anonymous, according to the lower court. (Jones v. North Carolina Prisoners' Labor Union Inc.)

Prison Medical Care

The Court has stated that "deliberate indifference" by prison officials to the

medical needs of an inmate violates the constitutional proscriptions against cruel and unusual punishment. But, the seven-man majority added, the "deliberate indifference" had to be involved, and that medical malpractice or accident alone were not unconstitutional.

The Court further held that the aggrieved inmate would have to allege "acts or omissions" that were "sufficiently harmful" to show that level of indifference in order for his complaint to be heard.

Justice Stevens, who filed the lone dissent in the case, argued that the majority, in referring to the deliberateness of prison officials' indifference, "improperly attaches significances to the subjective motivation" of the officials.

Justice Blackmun joined only in the final judgment in the 8-1 ruling. (Estelle v. Gamble.)

Police Off-Duty Conduct

The Justices delivered an unsigned opinion and refused to hear the appeal of an Ohio police officer who had been directed by a jury to pay \$831,000 in damages to the families of two men he shot and killed and to a third man who was paralyzed by the officer's bullet.

The case, appealed from the Sixth Circuit Court of Appeals by Columbus policeman Raymond Belcher, grew out of a 1971 barroom brawl in that city. A scuffle broke out while Belcher was in the bar, off duty and out of uniform. He intervened, killing two men and crippling another. (Belcher v. Stengel.)

Cincy Budget Squeeze Forces New Mayor to Lay Off 94 Cops

The city of Cincinnati laid off 94 police officers this month as part of a plan to reduce a projected budget deficit over the next year.

The police layoffs are one aspect of a furlough action that has put 200 municipal employees out of work, including 67 firemen and 51 sanitation workers. The cutbacks are expected to ease a fiscal gap of \$12.7 million in the 1977 budget.

Mayor James Luken, who just recently took office, said the situation is similar to what has occurred in other major American cities. "You can't watch these things happening in New York and cities all around you and think it's not going to happen to you," he said. "The only thing is that it came two or three years earlier than I expected."

According to Luken, the fiscal crisis came about because Cincinnati has to bear an increasingly heavy burden for services provided to commuters coming in from the suburbs.

The mayor proposed a long-range solution that includes the formation of a metropolitan area government which would divide the costs to ease the burden on the city's 423,000 taxpayers. The metropolitan area has over 1.3 million residents and many industries are following the national trend of building in the suburbs, according to Luken.

The citizens of Cincinnati distrust the government because of crime and downtown decay, the mayor added.

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Model Sentencing Guidelines Getting First Use

Continued from Page 3

State University of New York at Albany, and Dean Don Gottfredson of Rutgers University co-directed the project. Kress

commented that its guidelines are intended to be adopted only on an individual jurisdictional basis, although the concept will be transferable from one state to another as the project is developed.

"This model is intended to eliminate disparity in one jurisdiction — in this case — Denver," Kress said. "The second logical step would be to gain statewide acceptance and hopefully eliminate disparity from one jurisdiction to the next in the same state."

The professor explained that the Denver model is similar in function to a mileage chart where the distance between two cities is determined by reading down and across the chart to a common junction. In place of cities, the Denver chart reads "Offender Score" across its top and "Offense Score" down its side.

The chart assigns higher numbers of points based on the seriousness of the circumstances of the offense and on the seriousness of the offender's prior criminal background, if any. The judge reads across and down the chart to determine the recommended sentence.

According to Kress 205 items of information from 400 randomly selected sentencing decisions in Denver and Vermont were utilized to help develop five model guidelines. All additional data that were available to the judges in each of the cases

were also used, the professor said.

Before the final model was constructed, the five models were tested against hundreds of actual cases, Kress added.

Participants in the project said that other court systems are in the process of either setting up their own guidelines or contemplating guideline development. Chicago, Newark, and Philadelphia are all taking part in the project and may implement their guidelines by mid-1977. Des Moines and the state of Vermont are acting as "observer courts" in the program and may eventually become participating courts. Seattle, Phoenix, and Miami have also expressed interest in the project and are following it closely.

Kress stressed that the guidelines do not usurp judicial discretion in individual cases because their use is not mandatory.

Expressing the jurist's point of view, Critelli explained the concept of guideline use. "We are sentencing differently not out of malice, but out of sheer ignorance, or to put it another way, without guidelines — without the tool that tells each of us what the other is doing," he said.

"I think of these guidelines as the average of what I and all of my colleagues would have done in the case at hand if they had the same basic information as I had," Critelli added.

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Criminality—Mental Illness Link Is Mostly Myth, Study Claims

By MICHAEL BALTON

Criminals are not mentally ill, and rehabilitation programs that assume offender derangement only reinforce the patterns that the criminal must abandon for him to become a responsible member of society, according to a major study sponsored by the National Institute of Mental Health.

The researchers found that instead of regarding the criminal as a victim of environmental and social circumstances, he should be viewed as making a series of choices in which he has been the victimizer. "What is needed is not so much better housing or conventional therapy," the study stated, "but an offender's conversion to a new way of life and a rigorous moral education."

A new approach to rehabilitation will be published next February in Volume II of the study, entitled *The Criminal Personality*. While Volume I, released this past spring, presented a profile of the criminal personality, the second book will offer a specific procedure on how to change it.

For the past 15 years, the study was directed by the late Samuel Yochelson, M.D., a psychiatrist at Saint Elizabeth's Hospital in Washington, D.C. After Yochelson's recent death, the concluding phases of the program were taken over by Stanton F. Samenow, Ph.D., a clinical research psychologist who joined the psychiatrist six years ago.

The study's sample was originally limited to patients at Saint Elizabeth's, but as years passed, the team dealt increasingly with offenders who were in the hospital. Ultimately, the subjects included men on probation and parole, and even criminals

never arrested but who were active in crime.

"None of the people in our group were mentally ill in the sense that they were persons not in touch with reality or not in control of their own behavior," Samenow told Law Enforcement News. "They were not psychotics."

Research Assistant John R. Lewin explained the study's criteria for criminal derangement. "There is no definition of mental illness in the work," he said. "Everyone has a different definition. What we're talking about is the forensic implications of mental illness."

Samenow noted that some of the study's subjects did have psychotic incidents. "They thought they were in touch with God or that sort of thing," he said. "But not one would have come to the attention of a psychiatrist if he didn't commit a crime."

In Volume I of their work, Yochelson and Samenow criticized the conventional approaches to examining the criminal mind. "Criminals do not willingly give themselves up to an invasion of their thinking processes," the authors wrote. "However, questionnaires, statistical studies, and routine examinations have proved futile in acquiring valid information."

The authors used the strategy of offering the offender "therapy" which he saw as the pathway to an early parole or release from the court's jurisdiction. "Thus we began our study of criminals, realizing that they were not interested in change, that they scorned what we thought and did, and that they looked on us as people whom they could take in hand to

achieve their purposes," the authors stated.

Samenow recalled the initial period, noting that "many offenders wanted to be here [in Saint Elizabeth's] than in jail. We had high school drop-outs feeding the doctor what he wanted to hear."

The study shifted gears when the doctors realized that criminal thinking and action patterns were not explained by the sociological or psychological molds into which the material was being forced.

"A period of 'search' began when we dropped these excuses and bowed to the overwhelming evidence that the criminals were not mentally ill," the researchers said. "The application of a mental illness diagnosis to this population was a consequence of the tortuous extensions of psychological concepts by mental health professionals. Most diagnoses of mental illness resulted from the criminal's fabrications."

Only when the doctors linked the emotional feelings of the criminal with his thinking processes did they achieve success. "The enterprise of altering thinking processes, when successful, invariably led to the criminal's leading a moral life," the study said.

Based on their concept of thinking process alteration, the authors contended that crimes of passion do not exist. "The more we understood what those processes were, the clearer it became that crimes do not occur out of impulse, compulsion, or passion."

The doctors' rehabilitation method is previewed in the first volume of their work. Samenow calls the procedure "a new format for achieving change in criminals" which begins with an offender's detailed twenty-four hour phenomenological report.

"We examine the contents of mind (thinking processes and thinking substance) without editing or psychologizing," the authors wrote. "Criminal thinking is exposed, only to have it opposed and destroyed by rationality and logic."

The doctors utilize "a sophisticated set of deterrents" as a major tool in the rehabilitative procedure which is currently being used by Samenow. "Anything even suggestive of irresponsibility is attacked; we want to remove the seeds of irresponsibility so that the weed of crime will not grow," the book stated.

"The program emphasizes that self-disgust be maintained and that fear serve as a cornerstone and guide to responsible living," the authors added. "With this format, we ourselves were surprised at the efficacy of our procedures in the rapid elimination of criminal thinking and its replacement by responsible thinking and action."

Samenow is currently engaged in presenting the rehabilitative program to a number of Federal criminal justice agencies. "The Bureau of Prisons reaction is very favorable," he said. "Norman Carlson [BOP director] saw our format as offering an alternative and he may give it a try."

The psychologist added that Federal probation officials have also expressed interest in the method. "They're examining it to see how it can be adopted to probation and parole work," he noted.

The Law Enforcement Assistance Administration may implement the program on a wider scale. Samenow said that he will meet with agency officials this month to discuss possible LEAA funding of the Yochelson-Samenow method.

Samenow was surprised by the lack of controversy that *The Criminal Personality* generated. "I'm sure criticism will come," he said, "but people have been disillusioned and are willing to take a look at something new."

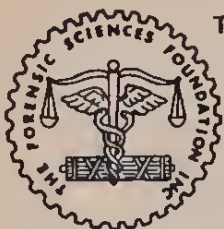
However, according to a Washington Star report, there has been some criticism. Some psychiatrists said they would not generalize from the study because the criteria for selecting patients were not clear.

Even BOP director Carlson, whose review of the program was generally favorable, said, "The work can be criticized in that it is derived from a small sample that could be a biased one."

Yochelson and Samenow have denied that their sample was biased, and the demography of the study seems to support their contention. According to one reviewer, the doctors "have examined 255 criminals drawn from every background possible: poor, rich, black, white, male, female, Jew, Christian, Muslim, heterosexual, and sexual deviates of infinite variety."

In every one of the 255 subjects, the authors found 53 common thinking and

Continued on Page 14



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Rehiring Plan for Ex-NYC Cops Offers Choice, But No Choice

A recent offer to rehire 250 New York City police officers as city Correction Department officers has been called a "Catch-22" situation by the NYPD's personnel director.

Police department officials explained that by accepting positions as guards in the city's detention prisons, the laid off police officers would apparently waive their rights to reappointment as policemen. The officials added that those who reject the city's offer would also be taken off the "preferred" list for rehiring police officers.

"It's Catch-22," said Chief Cornelius J. Behan, who directs the department's personnel office. "Whatever choice they make, it seems that they have to forget about ever being police officers again."

According to Behan, the catch lies in the Civil Service Law which compels a laid-off city employee to accept a comparable job offer or face the permanent loss of pre-

ferred status on rehiring lists.

Meanwhile, the city's Correction Department has mailed letters to the 250 laid-off cops, notifying them of their possible appointments to that department.

"If you decide not to accept a position as a correction officer," the letter stated, "your name must be removed from the preferred list as parolman and you will not again be considered for a correction officer."

Another catch is also involved in the situation. Behan said that 250 laid-off officers recently have been temporarily rehired under a Federally financed program which ends in July.

"Many of the 250 offered jobs with the Correction Department have these temporary jobs," the chief said. "What do they do — since we have no assurance they'll be kept on either in March or July when the money runs out."

Vertical Mobility Through SWAT



Photo by Henry Johns, Cupboard News

Deputies of the Orange County (Florida) Sheriff's Department untie their own knots as they learn the ropes during a SWAT operations drill. The practice session was one aspect of a workshop designed to incorporate special weapons and tactics operations with the hostage negotiation team concept. The seminar was sponsored by the sheriff's department and Valencia Community College in Orlando.

NYC Black Cops Ponder Union Pullout After Shooting of Youth

Continued from Page 3

talk to the PBA. I've been authorized by the members to do so."

The Guardians had previously taken a firmer stand, voting to pull out of the PBA to protest the union's handling of the case which involved the alleged shooting of Randolph Evans, 15, by Police Officer Robert Torsney.

At a bail hearing after Torsney's indictment, an assistant district attorney described the shooting as "a totally unprovoked, unjustifiable and intentional killing." However, Torsney's attorney indicated that the 31-year-old policeman would attempt to prove that he had acted in self-defense during an "encounter" with the slain boy in a "dimly lit area."

The shooting has led to street protests in Brooklyn where the fatal shooting took place and charges of possible racism by the National Association for the Advancement of Colored People.

Meanwhile, police officials said that a review of Torsney's personnel record had disclosed no signs of emotional instability.

A spokesman for the PBA said that it was appropriate for the union to post bail for Torsney because "he is a man who had a perfect record in all respects before the shooting." The spokesman declared that the bail provided for Torsney was "a service from the union that every cop has the right to expect."

Sheffy disagreed with the union's position, charging that "the only time the PBA goes to bail out a police officer is when a black child is killed." He noted that the union had posted \$25,000 bail in 1972 for Thomas Shea, a white police officer who was accused of fatally shooting Clifford Glover, a black youth.

"There is no mention in the PBA rules and bylaws of the need to furnish bail for police officers," Sheffy declared. "There are lots of other cases where police officers get in trouble, but the PBA doesn't go to bail them out."

But more recent statements by the Guardians' president indicate that a reconciliation between the two groups is still possible. Sheffy said he has been "contacted by someone in authority at the PBA" and that he would be used as a bargaining wedge to gain increased black representation on the union's executive board.

The PBA admits that the loss of 1,700 dues-paying members would hurt the union. "We're down 6,000 members through attrition and layoffs," PBA President Douglas Weaving said. "We are in the middle of an ongoing collective bargaining that is costing us a fortune. We can't afford to lose one member."

However, the PBA president defended the union's action in regard to the Torsney case, stating: "There is no question in my mind that we did the right thing for the police officer involved and we would have done exactly the same thing if it were a black police officer accused of shooting a white youth."

Bullet Proof Vest Saves Deputy From a Horny Fate

A Los Angeles County deputy sheriff was spared serious injury when a bull rather than a bullet bounced off his bullet-proof vest.

Deputy Sheriff Teddy Prendergrass, 34, was recently helping officers corral a bull and a cow that had escaped from a pen in a Los Angeles packing house district when the bull charged him and gored his chest.

BURDEN'S BEAT

By ORDWAY P. BURDEN

AELE: Protecting the Rights of The American Police Officer

A recently published book may prove of great interest to many police officers. "The Defenseless Society," by Frank Carrington, executive director, and William K. Lambie, staff attorney, of Americans for Effective Law Enforcement, is a critique of the harmful impact of the current privacy proposals on the effectiveness of law enforcement, particularly in the investigation of such crimes as terrorism and organized illicit activity.

Written for police officers and administrators, "The Defenseless Society" attempts to do for the law enforcement officer what the American Civil Liberties Union has for some time been doing for the accused criminal: protect his rights in a court of law.

While no one, including authors Carrington and Lambie, advocates allowing law enforcement personnel complete license in their handling of suspects and witnesses, this book underlines the consequences of imposing undue restrictions on police activity. The following is from the first chapter of "The Defenseless Society":

"Only the most naive believe that the exacting job of crime prevention and criminal apprehension is simple — that by some mysterious means the police can selectively target the lawless in our society while leaving the non-criminal completely alone. This view shows no conception of the realities of police work. Despite TV fiction, there is simply no way the police can determine at the outset of an investigation just who and what is criminal. This would be like demanding that a surgeon excise a malignant tumor from the human body without cutting through healthy tissue."

The 10-year-old Americans for Effective Law Enforcement was founded as a national, non-profit organization to represent the rights of the actual and potential victims of crime through responsible support for professional law enforcement. As one of its ongoing programs, AELE has filed amicus curiae briefs in 41 cases in the United States Supreme Court, Circuit courts of appeal, and district courts, as well as in state supreme, appellate and trial courts. At the Supreme Court level, AELE has been on the winning side in 15 of 18 cases; on other levels, in 11 of 20 decided cases.

In filing as a "friend of the court," AELE attorneys are trying to stem the tide of case law which protects individual privacy and other rights to the detriment of the effective protection of society.

AELE also sponsors a Law Enforcement Legal Defense Center, to assist in the defense of law enforcement officers who are embroiled in civil suits. In keeping with this, the organization sponsors three-day workshops for police officers offering instruction on legal liability.

Copies of "The Defenseless Society" are available through Americans for Effective Law Enforcement in Evanston, Illinois. Write to: Mr. Frank Carrington, Americans for Effective Law Enforcement, State National Bank Plaza, Suite 960, Evanston, Ill. 60201.

Criminal justice is expensive, as everyone knows, and nowhere has this been more evident than the new Middlesex County Courthouse building which stands 22 stories over East Cambridge, Mass. The edifice, which is supposed to include a three-floor jail at the top, was conceived in 1963 at an estimated cost of \$16 million. Inflation and politics being what they are, the final price tag may come closer to \$76 million, or maybe even more.

Although the court facilities were opened in April, 1974, the jail is closed to all but prisoners awaiting trial on the same day. Middlesex County Sheriff John J. Buckley has refused to open it for residential use because of what he sees as fire hazards and inadequate living facilities.

"For a new jail, its concepts are old," reports Peter Nichols, assistant to Sheriff Buckley. The jail lacks room for recreation and expansion but, of course, has the advantage of being in the same building as the courtroom.

In order for needed improvements to be made to the facility, more funds must be voted. This means that probably nothing will be done until new members of the county government take their seats in January. But, as Mr. Nichols says, they have waited nearly ten years, and they can wait another few months.

Ordway P. Burden invites correspondence to his office to 651 Colonial Boulevard, Westwood P.O., Washington Township, New Jersey 07675.

LEAA Issues Call for 'Innovative' Programs In Delinquency Prevention; \$10M Available

The Law Enforcement Assistance Administration recently announced that it will distribute \$10 million in Federal funds to finance "innovative" juvenile delinquency prevention programs.

Calling such projects "a priority" of the agency, LEAA Administrator Richard W. Velde said, "Often state and local agencies are so overburdened with the increasing number of juveniles committing crimes that they have neither the time nor the money to work on the real answer to juvenile delinquency — preventing it from occurring. That is why this program has been developed."

According to LEAA, both public and

private non-profit agencies may submit applications containing plans to serve youth in disadvantaged urban and rural communities throughout the country. The agencies may operate on a national, regional, state or local level.

Interested groups should submit their applications by January 30, 1977, the agency said.

Program guidelines are available from state criminal justice planning agencies, LEAA regional offices, or the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, DC 20531.

The British Police and the Community

An Interview with David Powis of New Scotland Yard

This is the final interview in a five-part symposium on policing in Europe. The first four parts were presented in earlier editions of Law Enforcement News.

David Powis joined England's Provincial Police Force in 1946 following his wartime duty with the Royal Marines. In 1949 he transferred to the criminal investigation branch of the Metropolitan Police, where he served in numerous ranks and capacities before his appointment in 1965 as Superintendent in command of the Special Patrol Group, a task force of 150 uniform and plainclothes officers.

Powis was promoted to Chief Superintendent in 1967 when he was assigned to direct a special promotional course at the National Police College at Bramshill. He returned to the Metropolitan Police after two years, where he was ultimately promoted to Deputy Assistant Commissioner, in charge of inspection and planning in New Scotland Yard.

This interview was conducted for Law Enforcement News by Michael Balton.

LEN: Could you give our readers the historical background of the Metropolitan Police?

POWIS: The Metropolitan Police was formed as a result of Sir Robert Peel's Police Act of 1829. It was the first such force in both England and Wales, and it was divided up into a number of divisions. I can't recall now how many men there were in it to begin with, but I think it was in the region of about 5,000 men.

There were only four grades — constable, sergeant, inspector and superintendent. Superintendents were placed in charge of the divisions. How many there were to begin with, I don't know. But it was an extension of the English concept of constable. Before the police were appointed there were parish constables, and constables of certain courts in London who did the police and detective work. This was superimposed upon that framework, but they retained the ancient office of constable and thus used the position of constable as basis of their



Deputy Assistant Commissioner David Powis

more than one occasion, and it surprised the police as well as everybody else. But I would be right to say that the police and the Metropolitan Police in particular are held in very high estimation of the public.

You've heard that rather time-worn phrase by the American visitor to England, "We think your London police are wonderful." Well, I suppose that's it. The idea that the police are to protect and help, that they are the guardian of liberty and the guardian of free speech, and that normal political activity of whatever spectrum can take place because of the police. The police are the enemy of the wrongdoer but the protector of and friend of and equal agent with the respect-

transactions between the law breaker and the law enforcer.

I will say this though that the Metropolitan Police in general and Sir Robert Mark, my boss, in particular are absolutely fierce in bringing it into the open and prosecuting to the very limits of the law — breaches of faith as well as breaches of honesty.

I don't pretend that London police are necessarily lily-white, but I do claim, absolutely that it is excised, cut-out surgically wherever it shows its head, despite the unpleasant publicity and recrimination that necessarily follow the washing of dirty linen in public. But we don't shield it, and if that's a virtue, I claim that.

LEN: Isn't it virtually impossible to dismiss a police officer once his probationary period is completed?

POWIS: I wouldn't say that it's virtually impossible; I'd say it has to be for a cause. You have to prove that the man is in breach of his duty in a significant way. I suppose that's right.

One of the strengths of the English system, the English judges for example, is that they are appointed like that. They can only be dismissed for a cause, by a vote of both houses of Parliament. It's a general English governmental administrative policy that in such areas as the High Court and judges generally and civil service appointments including policemen that never are appointed, more or less, for their working life after some form of probationary exercise.

Whatever its disadvantages are in that it can protect laziness and disguise laziness, it has the inestimable advantage of giving a man independence of consideration, straight forwardness, and no dependence on political considerations. So he's uninfluenced by the vagaries and changes of politicians' views. Therein lies its great strength. We agree that it has weaknesses, but it's worth the price, easily worth the price to have the independence of mind.

The same applies to the chiefs of police, of course. They are appointed in the same way, and they don't receive their appointments from political sources. They have this independence and need to reflect only on honest performance of duty, uninfluenced by political consideration.

LEN: What is the relationship between the police and the courts in the United Kingdom as far as sentencing is concerned?

POWIS: Well there are areas of mutual respect between the courts and the servants of the court — I mean the lawyers, the solicitors and the barristers and the slightly lesser court servants in the way of bailiffs, clerks and of course with the magistrate and the bench. There is a mutual respect which is obvious to perhaps a foreigner when British court procedure is seen in action.

As far as sentencing is concerned, the English police take the view both officially and at a low level that sentencing has got nothing to do with them. It is a matter entirely for the courts.

Certainly, as far as they are policemen, in their professional sense, they have no right to offer views. They are, of course, subjects of the Queen, free-born subjects of the Queen, and they can, of course, express their opinions as to sentencing policy, but not really as policemen. It would be as Englishmen or Scotsmen or Irishmen or Welshmen that they would express their opinion rather than as policemen.

We see the function of the peace officer as having nothing to do with sentencing policy, and I think that's the best way because it does rather take the emotional steam out of policing.

My wife is a clinical instructress in the nursing profession and has a long experience in nursing. She has often said (and I think it's a parallel) that if you become emotionally involved with a patient, that means to say that if you pity them and worry about them in relation of whether they're going to live or die, beyond treating them, you give less efficient nursing care to that patient. You must avoid being so emotionally involved if you wish to show the true vocation of nursing care.

Well, perhaps this is an overly subtle point, but it's very similar to police work in that sense. In my view,

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"The Metropolitan Police in general are absolutely fierce in bringing [corruption] into the open and prosecuting to the very limits of the law."

power and authority and protection.

As London increased in the Industrial Revolution to millions and millions of people, the Metropolitan Police increased and of course the systems that were originated by the Metropolitan Police were adopted by most other Anglo-Saxon English-speaking countries elsewhere.

The early commissioners, particularly Sir Richard Mayne laid the foundations for so much of what is good in police work today. He originated the theory that the prevention of crime is the primary theme, that it should be based on a force that is of the people and the civilian force, that only minimum forces should be used in any confrontation situation and that the ethic should be patience and courtesy and helpfulness towards the general public, irrespective of their social position but at the same time, a hard vigilant face toward the offender.

Even though the offender was to be treated by being taken before the magistrates and dealt with according to law, the primary ethic was to prevent crime, to make the likelihood of crime far less by having a uniformed patrolling presence in the streets of London. More or less, those principles have continued throughout its history even to the space age of today.

LEN: What is the status of the British police in the eyes of the public that they serve?

POWIS: You're asking me to report upon myself which I don't know whether or not I'm the best witness. I think it's safe to say, that it is held in high esteem by the British public.

There have been opinion polls run carefully and sensibly which have repeatedly shown that the police are considered by the public to be top, not high up, but top in the regard of the public. This has happened on

able law abiding person irrespective of their social position and irrespective of their racial origins. If the polls are true, and I suppose they are true, if I'm asked to give a reason for the high public esteem, I would think that's what it is.

LEN: Is there any problem with police corruption in England?

POWIS: Yes. Wherever you have a large body of men dealing with matters that are subject to or forbidden by laws and particularly those things which are forbidden by law and are not necessarily forbidden by the ordinary day-to-day morals and ethics of the people or in the grey and white areas that I'm taking about — pornography, homosexuality, street betting, prostitution — in those sort of areas rather than clear-cut crime, there is always the danger of police corruption.

It is a thing to be watched. And again as I said in my speaking position before I was interviewed by you, it's a matter of the spirit. You cannot bribe a man to be honest. You can't by telling him that you would pay him well to keep him honest. That's not the way. It's a matter of motivating the man ethically by teaching him right from the very beginning that it is unmanly and mean, vile dishonest and a betrayal of all police principles to be the sort of person that could be bought in relation to the execution of his duty.

As I say, it's in these grey areas where the public do not really think the acts committed are crimes and the danger creeps in. We have had incidents in London where in relation to pornography that it's been alleged that officers have been corrupted.

It has also been alleged in the past that in relation to their dealings with criminals that on occasions, rare occasions thank God, that dishonesty has entered into the

"There is no substitute in a street confrontation for both sides to realize that they're dealing with each other as equals. It gives a policeman a tremendous advantage in the discharge of his duties in this situation if he can grasp that."

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you should not get steamed-up in relation to the cases that you are investigating or bringing before the magistrate of the High Court. Your job is merely to seek the evidence in an analytical, sensible way without getting emotionally involved in the basic issues. Your job is to be an evidence seeker both for and against the accused, so that a true judgement can be made by the court of trial. If you can think like that — it's difficult enough sometimes — I think only good results will come.

LEN: Are the British police funded on a federal level?

POWIS: Generally speaking, there is a difference in England between the Metropolitan Police and the provincial police forces. The provincial police are those forces outside of London. They are funded half by the National Exchequer and half by a local taxation, what we call rating.

They only receive their half of government funds if they maintain their efficiency. Her Majesty's government maintains inspectors of constabulary to see that they are efficient. If they're not efficient, they don't get the money. That would mean their collapse.

In the Metropolitan Police, it's somewhat different. Fifty percent again is funded by the National Exchequer and 50 percent is again taken from local rates, but the local taxation, the local rating authorities have no say in the general running of the police force.

In a restricted sense in the provinces, the local taxation authorities do have some sort of say in the running of their police forces. For example, they appoint the chief constable; they appoint his deputy and his assistants, and they have a right to inquire into matters concerning complaints, I believe.

But in London that's quite different. They have no rights at all because it is only the Home Secretary or Parliament itself that can inquire into the Metropolitan Police.

That's a rather spotty version of it and it doesn't take into consideration all aspects. But I hope you see the difference between the Metropolitan Police and the provincial.

LEN: What are the salary scales for British policemen?

POWIS: It's almost impossible to give you sensible parallels. The British police have a system of overtime payment; the British police have a system of free quarters or free places to live or an allowance in lieu or other allowances which make any bold statement of sums of money — especially with the vagaries of the exchange system between your country and mine — quite valueless.

I would say that on the whole, the more junior British police constables, that is in agent service, are less well paid than your's but not significantly so, but our middle service men seem to me to earn more. But that's bearing in mind the differences in our two societies, in our two ways of living, in our two systems of paying allowances and taxation etc.

That's what it seems to me — that our junior officers are less well off than your's and our medium ranking lower grade officers, the constables with some years of service, are better paid than the patrolmen of equivalent age and service.

As far as top ranks are concerned it would seem that your very top ranks are paid significantly better than ours are. But it's a matter of differences that any bold statement as to sums of money would give an incorrect picture.

LEN: Do you have police unions or any salary grievance mechanisms?

POWIS: Oh yes indeed. The ranks in the British police go from PC sergeant, inspector, chief inspector, superintendent, chief superintendent and some form of chief officer in the provinces and slightly different grades of chief officer in the Metropolitan Police up to commissioner in the Metropolitan Police and up to chief constable in the provincial forces.

From constable to chief inspector, there is the Police Federation which is a form of union. They haven't the right to call strikes, but it is a form of representative machinery that is very much concerned with the pay and allowances of officers and makes representations very powerfully and very successfully on occasions. But they are a body of men who are motivated by the good of the service as well as the good conditions for their members.

The superintendents have an association of their own which again looks after their interests in all spheres but particularly in that of pay and allowances.

The chief officers, that is the assistant chief constables, the deputy assistant commissioners, the assistant commissioners and the commissioner in London have their own association. It includes those of similar ranking in the 800 member City of London Police which police the financial district in the very heart of London's financial area.

LEN: You were the commander of Metropolitan Police Divisions in multi-racial communities. You tell us some of your experiences in those areas?

POWIS: I was in "L" division for several years, thought I haven't served there since 1972. I had a long experience there. Three years when there were significant changes and on occasion significant signs of trouble but I'm glad to say that it never really occurred there — any violent confrontation, not really violent confrontation, with the destruction of property on anything other than a minimal scale.

The great thing of course in police relationships with racial minorities is an intellectual acceptance, absolutely fundamental to your thinking that equality is the only possible way of treating people. You don't give special treatment because special treatment is patronizing and paternal. You must treat absolutely equally. You treat a black thief or a black criminal of the worst sort the same way you treat a white criminal of the worst sort, no differently.

The motivation should be absolute equality, not fairness really because fairness is a subjective term. Who decides who's fair? Equal, that's what it is, equal treatment.

"[A police officer] should not get steamed-up in relation to the cases that you are investigating. Your job is merely to seek the evidence in an analytical, sensible way."

My theory is that I'd rather have bacon and beans with an American who considered himself my equal than the greatest feast with an American who considered himself my superior in any way. The food might be better, and the comfort might be better, but I know which I would prefer. I know that perhaps that's an over simplification.

Whether people realize it or not, when you got an empty belly or a leaky roof it's very difficult to be theoretical in your thinking, but all people yearn for absolute equality of treatment. It's part of the very foundation of your Constitution, recognized by the founding father intellectuals of your country.

I consider it the absolute key to all racial matters. It helps you to identify the great dangers, in the long term anyway, of special treatment. There is no substitute for equal treatment. It may sometimes be harsh and certainly not comfortable. It may involve telling unpleasant truths, but in the long term, it is the best for the spirit of all.

It was that which motivated all my dealings in "L" Division and in Notting Hill when I served there too. Some people might regard it as hopeless, wishing-washy, by hypothetical thinking, but I can tell you that it has a value when it shines out of your eyes in street confrontations with minorities in a highly charged emotional state that is as practical as bacon and beans.

There is no substitute in a street confrontation for both sides to realize that they're dealing with each other as equals. It gives a policeman a tremendous advantage in the discharge of his duties in this situation, if he can grasp that. It's not always easy. But if he can, it has immense practical values quite apart from being ethically correct.

LEN: You were the first commander of the Special Patrol Group.

POWIS: Yes. Well the Americans certainly had it long before we did as sort of a tactical force. It was formal because of the great shortage of police and the increasing nature of street crime — motor vehicle orientated crime like breaking into premises or driving motor cars to places to break into premises or street robberies.

It was that sort of increase and at the same time, it was parallel with a difficulty in recruiting police in London. It was necessary to make the best use of what

resources we had. It was rightly considered to have a mobile force to swab the areas of high crime. I'm using the popular phrases but it allowed us to increase police coverage in problem areas while being able to withdraw at short notice and go to another area. Thus we made 150 men, which I had to begin with, look like as if they were 1,000 men.

It's somewhat like the film *Beau Geste*. In one scene, as the poor French Legionnaires are killed off in a fort, the sergeant props up the corpses with the rifles and the attacking Arabs still think the same men are there. It's something like that. You give an impression of greater strength and it has a particular advantage.

Also, you love to avoid the gung-ho mentality. You have to watch and supervise officers carefully that they don't start making lists of successes. It needs good supervision and careful thought.

One of the side issues is that the men become very expert at catching people involved in motor vehicle crime. They're very expert in all forms of thief taking because they have very little other responsibilities than to be in the street searching for crime. This of itself builds up an expertise.

LEN: A form of specialization?

POWIS: Yes. Of course the ideal would be to have your force up to strength with foot patrol and ordinary motor car patrol and have this sort of force as well. But the economy at the moment means that we can't have all those things. So I think it's economically sensible to have such a force.

Another advantage is the supervision I told you about because when you have such close supervision with all men knowing each other very well — the inspectors knowing every one of their men very well, and the sergeants

knowing every one of their men, and the men knowing each other very well — it doesn't take long before you know everybody in the group. That has a mutual effect of preventing extremes of behavior of any sort and a good esprit de corps.

We hope that no man would act irresponsibly, but if a man would act irresponsibly, he would act alone, or when he's not likely to be detected. With this sort of mutual dependence, mutual knowledge of each other, that factor is almost completely eliminated. It's a side issue but still quite an important one.

LEN: So it's a deterrent to corruption.

POWIS: Well that's putting it in the most extreme but men are less likely to lose their temper; they're less likely to feel threatened; they're less likely to act abhorrently in a stress situation with the knowledge that men they know thoroughly are close at hand.

It's a sort of prophylactic area. I should hope that there would be a small number if any at all involved in corruption. But it does additionally have that effect.

As I said before, you can't bribe men into being honest. You can only not exactly shape them into being honest, but I think you can shame a man back to sense of duty. You have to motivate them on ethical principles from the beginning to infer that it's absolutely a negation of any manly conduct at all to be bought by a criminal.

The beginning is when there is a sort of a half acceptance of a second rate standards, as though a mandate to corruption. That's the first step toward corruption, a lowering of general standards about anything really. You can start with appearance. Once the slide starts, you can develop into quite horrendous areas.

COMING IN LAW ENFORCEMENT NEWS

*A special interview with Patrick V. Murphy,
President of the Police Foundation*

*An American Criminal Justice Professor
Looks at the British National Police College*

Current Job Openings in the Criminal Justice System

Assistant Professor. The University of Texas at El Paso is seeking an assistant professor for a full-time position in criminal justice degree program to begin September 1, 1977.

J.D., C.J.D., D.P.A., or Ph.D. required. Some documentation of successful teaching experience, as well as modest publication record desired. Preference will be given to candidate who has had practical experience in law enforcement, criminal justice, legal practice and/or government service. Appointee will be expected to teach undergraduate courses in police organization and administration, police role in crime and delinquency, and police-community relations and to participate in community service related programs and projects.

Active research program expected of appointee. Candidate must demonstrate a professional commitment to problem-oriented, multi-disciplinary research, and an ability to function effectively in a developing interdisciplinary graduate program in public administration which has a criminal justice option.

Salary is competitive. Letters of reference from professors with whom candidates have worked, resume, and credentials should be sent to: Dr. Joseph B. Graves, Jr., Professor of Political Science and Director of the Criminal Justice Program, University of Texas at El Paso, El Paso, Texas 79968.

Director of Police Computer Office. Monmouth County, New Jersey is seeking qualified applicants for the newly-established Regional Police Computer Office. The Office will ultimately serve the automated data needs of the county's 50 local police departments.

A minimum of five years of computer experience is required, along with a bachelor's degree. Additional work experience may be substituted for the educational requirements on a year for year basis. In-depth familiarity with police functions and record keeping preferred. Annual salary for the position is set at \$18,500.

Send resume to: Joseph D. Barba, Coordinator of Criminal Justice, Court House, Freehold, NJ 07728.

Assistant Professor of Criminal Justice. A temporary one year position is available, beginning September 1977, at Pan American University in Edinburg, Texas. Responsibilities involve instructing introductory and advanced courses in criminal justice with a law enforcement emphasis.

Minimum qualifications: masters degree in criminal justice of law enforcement; police experience preferred. Compensation dependent upon qualifications, starting at \$14,000 for nine months with summer teaching generally available.

Send vita and unofficial transcript before March 15, 1977 to: David L. Carter, Coordinator, Criminal Justice Program, Pan American University, Edinburg, TX 78539.

Assistant Professor. Grambling State University is seeking candidates with masters in criminal justice or a related field. Successful applicant will teach and coordinate programs at the university. Salary is negotiable within the range of \$13,000 to \$15,000.

Send letter of application and resume to Paul R. Kedia, Criminal Justice Center, Grambling State University, Grambling, Louisiana 71245.

Teaching Position, Criminal Justice Program. The University of North Carolina at Charlotte invites applications for a position in its criminal justice program to be available in January 1977. The program leads to the B.S. degree in Criminal Justice, and includes student elected concentrations in general criminal justice, research and evaluation, planning and administration, and corrections. Additional concentrations and a graduate program are being considered.

Applicants should possess an "ABD" in a Ph.D. program or a Ph.D. in Criminology, Criminal Justice, or a related discipline. Individuals holding doctorates in other disciplines should show research or teaching evidence of commitment to criminal justice. Appointment will be at the rank of lecturer or assistant professor.

Duties will include teaching and supervision of students serving internships at various criminal justice agencies. The teaching requirement is partially fulfilled by the internship supervision, and by classroom teaching (re-

search methods and related areas) involving two preparations (three class sections). For the first year, only one preparation will be required, to allow the appointee to assist with program development and planning.

Inquiries and applications should be addressed to: Reed Adams, Director, Criminal Justice Program, the University of North Carolina at Charlotte, UNCC Station, Charlotte, North Carolina 28223. Telephone: (704) 597-2378.

Chief of Police. Stamford, Connecticut, a city of 108,000 residents located in the southwestern part of the state, is seeking a police chief. Department is made up of 270 uniformed personnel with an operating budget of \$5 million.

Applicants must possess broad executive and administrative qualifications and demonstrated knowledge of modern police science and administration with proven experience in the law enforcement field. Appointment is expected in February, 1977 to assume post by March 1, 1977.

Starting salary of \$25,000 is currently under review. Send resume to the City of Stamford, P.O. Box 504, Stamford, Connecticut 06904. Resumes must be received no later than January 15, 1977.

Faculty Positions. The University of New Haven is offering three appointments at the assistant or associate professor levels. Candidates should have a Ph.D. or similar degree in criminal justice, or a related area such as law, corrections, psychology or criminology.

Salary range is \$13,000 to \$19,500. Closing date for applications is January 31, 1977. Two positions will be available next September, and consideration will be given to a starting date of April 1, 1977 for the third position.

Send resume to: L. Craig Parker, Jr., Director, Division of Criminal Justice, University of New Haven, 300 Orange Avenue, West Haven, Connecticut 06516.

Evaluation Specialist. Successful applicant will evaluate programs of the Massachusetts Parole Board. Position requires Master's degree and related experience, skills in methodology, writing and analytic and interpersonal ability.

Salary has been set at \$13,813. Send a detailed resume to: Dr. Gwen Julia, Parole Research Unit, 100 Cambridge Street, Boston, Massachusetts 02202.

Police Training Coordinator. The LEAA funded Washington County (Minnesota) Police Crisis Intervention Project is seeking a person who will plan, organize and direct a program which emphasizes community aspects of police work with focus on crisis intervention skills and personal stress management.

Successful applicant will work with a representative community advisory committee and maintain a close working relationship with county-wide police departments.

Applicants should have previous demonstrated experience in police training, be able to function creatively and independently and be available to start in January or February of 1977. A college degree in a social science/social service field is preferred.

Salary is competitive. Send resume including references and salary requirements to: Kenneth M. Chavis, ACSW, Community Mental Health Coordinator, Washington County Human Services, Inc., 8155 Hudson Road, Woodbury, Minnesota 55042.

Assistant Professor, Criminal Justice. King's College in Wilkes Barre, Pennsylvania is offering a one year replacement appointment, with the possibility of renewal. Ph.D. is preferred, however, candidates must have a Master's degree plus teaching experience.

Appointee will begin in the Fall of 1977. Send complete resume, including three letters of reference, to: Dr. Denton B. May, Academic Dean, King's College, Wilkes Barre, Pennsylvania 18711. Application deadline is March 15, 1977.

Assistant Professor, Sociology. Position at the University of Connecticut involves teaching introductory courses related to the study of crime and law and counseling students. Ph.D. with broad sociological background with special strengths in criminology, sociology of law and

deviance required.

Position will be available on September 1, 1977. Apply by February 15, 1977 to: Sociology Recruitment Committee, U-68, University of Connecticut, Storrs, Connecticut 06268. Specify position number 7A-32 in your application.

Faculty Position, Administration of Justice. McKendree College in Lebanon, Illinois is offering this position to begin February 1, 1977. A Master's degree or its equivalent is required. Terminal degree plus experience in an agency of justice or teaching experience is preferred.

Salary will be commensurate with experience and education. Send credentials to: Fred K. Robinson, Dean of Administration, McKendree College, Lebanon, Illinois 62254.

JOB ANNOUNCEMENTS

If your department, agency or educational institution has any job openings in the criminal justice field, we will announce them free of charge in this column. This includes administrative and teaching openings, civil service testing date periods for police officers, etc., and mid-level notices for federal agents.

Please send all job notices to: Jon Wicklund, Law Enforcement News, 448 W. 56th Street, New York, NY 10019. (212) 489-5164.

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MEDIA WATCH

Viewer Response to Television Violence

By JANET E. FISHMAN

Nicholas Johnson, a former commissioner of the Federal Communications Commission, has recently written, "Television has become a College of Criminal Instruction. If only college credit were offered, it could become a back alley 'open university,' with its courses in how to commit arson, rape, murder and other forms of human depravity." While this is a rather strong statement, it is unfortunately all too often true — and true about current films as well as about television.

Police departments and the media in several areas of our country have reported cases in which there is a strong suspicion that a television program or film has served as an inspiration and model for criminal acts.

The November 27, 1976 issue of The New York Times ran a report about the "10th Avenue Sniper Vigilante." The news story indicated that several members of the New York City Police Department and many residents of the community think that the recent shootings of two women and a man by a sniper may have been touched off by the televising of the movie *Death Wish*, two weeks prior to the shootings. One 11-year-old boy who lives in the area of the sniper attacks and who was familiar with the *Death Wish* movie was quoted as saying that he was not afraid of the sniper because "He won't shoot me. Only prostitutes and pimps." Brian Garfield, the author of the book upon which *Death Wish* was based, vigorously protested the CBS airing of the movie. He stated that

Boston slum youths and ordered to pour gasoline over herself and set herself on fire. She obeyed and died hours later. Three weeks after the airing of the movie, four young teenagers from Miami, one of whom had seen Fuzz poured lighter fluid over some sleeping alcoholics and set them on fire "and laughed hilariously as the men woke screaming, running and beating the flames." One died of his burns.

Another example cited by the article concerns the March 1973 case in which a 17-year-old boy pleaded guilty to a crime in which a young woman was "raped and murdered, her head bludgeoned and her throat slashed." The boy stated that in this rape-murder he had reenacted a crime that was depicted in the TV movie *The Marcus-Nelson Murders*, that he had viewed three weeks earlier.

The article additionally discussed the effects of the September 10, 1974 airing of the movie *Born Innocent*, in which a gang of female teenage inmates in a juvenile detention home "corner a young girl in a shower and sexually violate her with a plumber's tool." A few days after this film was broadcast, four children (ages 9-15), three of whom had viewed the film attacked two small girls on a public beach in San Francisco and reenacted the scene with beer bottles.

Citizens and government officials have become increasingly concerned about the effects of media violence on viewer behavior. In 1968, President Johnson created the National Commission on the Causes and

work were published in 1972 and included an extensive review of the major studies of the effects of media violence on children. The Surgeon General's Report concluded that "the overwhelming consensus is that televised violence does have an adverse effect on certain members of society." It stated that the evidence was "sufficient to warrant appropriate and immediate remedial action."

Since the results of these reports have been published, little, however, has been done to alleviate the problem. It must be noted that 96 percent of American homes have at least one television set. The annual "Violence Profile" which is published by the Annenberg Institute of Communication of the University of Pennsylvania indicates that between 1967 and 1973 three-fourths of all programs broadcast during prime time and on Saturday morning (for children) contained violence as standard content.

In the December 8, 1975 issue of the *Journal of the American Medical Association* Dr. Michael B. Rothenberg estimates on the basis of Nielsen Index figures that "the average American child will have viewed some 15,000 hours of television by

Continued on Page 13

Motorola Issues Counter-Terrorism Strategy Manual

An anti-terrorism manual designed to aid corporations and government agencies in developing plans and strategies to counter the terrorist threat has been published by Motorola Teleprograms, Inc.

Entitled the *Executive Protection Manual*, the 285-page guide includes such topics as: tactics and actions of terrorism; guidelines for establishing an executive protection policy; risk management response; vulnerabilities in the home, office and vehicle; risk analysis; crisis management; hostage negotiation; and hardware for executive protection.

The manual provides checklists, diagrams and photos packaged in a 10x13 suede binder with all chapters tabbed and annotated for reference.

Created as part of Motorola's counter-terrorism training project, the guide was compiled with the assistance of corporate security directors, governmental experts, and law enforcement and security consultants.

Copies can be obtained for \$175 each from: Motorola Teleprograms, Inc., 4825 N. Scott Street, Suite 23, Schiller Park, Illinois 60167.

PROGRAM RANKING

A complete ranking of all prime time network programming from the most to least violent shows during the monitoring period (June 12 to July 23, 1976).

1 SWAT	ABC	13 Switch	CBS
2 The Rookies	ABC	14 Baretta	ABC
3 Sara	CBS	15 Police Story	NBC
4 Sunday Movie	ABC	16 Cannon	CBS
5 Friday Movie	CBS	17 Streets of San Francisco	ABC
6 Rockford Files	NBC	18 Jigsaw John	NBC
7 Starsky & Hutch	ABC	19 Friday Movie	ABC
8 Sunday Mystery Movie	NBC	20 City of Angels	NBC
9 Saturday Movie	NBC	21 Various Specials	ABC
10 Joe Forrester	NBC	22 Six Million Dollar Man	ABC
11 Hawk	NBC	23 Blue Knight	CBS
12 Bionic Woman	ABC	24 Bronk	CBS

25 Kojak

CBS

after the movie appeared in theatres, several people admitted that the movie had "prompted them to commit vigilante crimes."

The article "What You Can Do About TV Violence" which appeared in the July 1975 issue of the *Readers Digest* cited several instances in which crimes depicted on television programs were imitated by viewers. It discussed how the September 30, 1973 airing of the movie *Fuzz*, which showed a group of delinquents dousing some waterfront bums with gasoline and setting them on fire, led to at least two similar "real life" atrocities. Two days after the film was aired, Evelyn Wagler, a 25-year-old woman was beaten by some

Prevention of Violence under the direction of Dr. Milton Eisenhower. This commission was very concerned with the effects of television violence on children. It concluded that while television is not the principal cause of violence in society it is a contributing factor: "television enters powerfully into the learning process of children and teaches them a set of moral and social values about violence which are inconsistent with the standards of civilized society...." In 1969, Robert Finch, then Secretary of Health, Education and Welfare, set up the Surgeon General's Scientific Advisory Committee on Television and Social Behavior, at the suggestion of Senator John Pastore. The results of this committee's

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Reviews of recent book releases, generally found on this page, appear on Page 12 of this issue.

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EVIDENCE TECHNICIAN PROGRAM MANUAL

By Joseph L. Peterson
and James H. Jones

The utilization of scientific methods for the examination of physical evidence recovered in the course of criminal investigations has become a critically important function of the nation's law enforcement agencies. This manual examines the role of police officers and civilians charged with the responsibility of searching crime scenes for physical evidence and returning it to the forensic laboratory for analysis. These individuals, often referred to as evidence or crime scene technicians, are on the staffs of most urban police departments today. Many agencies now train evidence technicians to be specialists who devote their total professional attention to the search for physical evidence. Through specialization, it can be expected that crime scenes will be searched with less delay and greater expertise than in situations where patrol, detective or crime laboratory personnel have shared responsibility for recovering the evidence.

Five important aspects of developing an effective evidence technician program are discussed in this manual. The key element is the selection and training of competent personnel who will become evidence technicians. Next in importance are tools, kits and vehicles which are used by the technician in processing crime scenes. Also discussed is the need for a strong organizational commitment to the crime scene search function, the implementation of actual field operations, and finally, means for evaluating an evidence technician operation. Guidelines for developing meaningful program objectives and appropriate criteria for measuring progress toward those objectives are presented.

A publication of the
Criminal Justice Center
448 West 56th Street
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Please send me _____ copy(ies) of the *Evidence Technician Program Manual*. Enclosed is my check for \$2.95 for each copy ordered _____. Please bill me _____.

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Reviews of New Additions to the CJ Library

Attorneys Medical Deskbook. By Dan J. Tennenhouse, MD, JD. The Lawyers Cooperative Publishing Co., Rochester, New York. 1975. Supplemented 1976. 736 pp. \$40.00.

Despite its title, a place should be found in the police library for the Attorneys Medical Deskbook. Although primarily designed to instruct the trial attorney in the preparation and presentation of medical evidence in civil and criminal litigation, the text adapts itself well to police use. There is no better introduction available to the health care professions and guide to the use of medical records, literature and expertise.

A number of chapters are of particular value to police officers and medical examiner's investigators, namely, chapter 4, Hospitals and Medical Records; chapter 6, Autopsy and Biopsy; chapter 7, Diagnostic Tests and Procedures; chapter 8, Clinical Laboratory and Toxicology Tests; and chapter 13, Medical Records.

The autopsy report is the most illuminating medical record available to the detective, but in it are many pitfalls for the non-medically trained investigator. Pathologists, for example, have their own language and a particular condition of interest to the investigator may be referred to in the report only by subtle words. Also, the pathologist's opinion as to the cause of death may apply only to whatever he considers the most important of several causes of death. Tennenhouse points out in this regard:

"if the patient dies of a heart attack due to the stress of an otherwise non-fatal gunshot wound, the pathologist may list as the cause of death either the gunshot wound, the pre-existing heart condition, the heart attack, some element of the heart attack such as myocardial ischemia or coronary insufficiency, or some combination of the above."

The book gives a glossary of pathology terms and a list of organs normally examined on autopsy along with normal and pathological findings. Also listed are standard lab tests comparing normal findings with significant findings indicating ab-

normality.

The homicide investigator is faced with a dilemma in choosing reference books: the standard criminal investigation books are largely inadequate for investigation of suspicious death, while most medical texts cannot be interpreted by anyone other than a medical doctor. Attorneys Medical Deskbook provides a clear and compact guide to the mysteries of medical evidence written in language understood by non-medically trained persons. There are numerous tables and sketches. The book has been brought up to date with a 1976 supplement.

—Daniel P. King

Criminal Investigation and Presentation of Evidence. By Arnold Markle. West Publishing Company. 1976. \$8.95.

This is an interesting and useful text bridging both criminal investigation and prosecution, two fields whose relationship is close in theory but sometimes not in practice. In the real world there is often a large and for law enforcement fatal, gap between the probable cause necessary for arrest and evidence beyond reasonable doubt required for criminal conviction. Textbooks which give major emphasis to criminal investigation often imply that a case is closed when an arrest is made, neglecting the fact that this is but a first step. On the other hand, many texts in criminal procedure simply cite various legal barriers to the investigative function without providing a guide for the conscientious detective.

The author of the present work is the State's Attorney of New Haven County, Connecticut and is, therefore, quite aware of the need for close cooperation between police and prosecutors. Given this background, it is not surprising that the text integrates investigative methods and criminal procedure in a way that serves as a useful guide for both detectives and prosecutors.

In this book, the reader will find all the expected topics: crime scene search, obtaining statements, entrapment, etc., with an up-to-date discussion of the leading cases. Throughout, detailed lists are provided so that a practitioner engaged in actual investigation can check each step to see if any appropriate procedure has been omitted. There is also a useful and easily understood section on how to research criminal cases.

This text will prove valuable to criminal justice and police science students as well as to investigators and prosecutors. Indeed, the latter two would be well advised to keep a copy in their offices and consult it frequently.

—Thomas A. Reppetto

Readings in Criminal Justice (with instructor's Guide). Donal E.J. MacNamara, ed. Dushkin Publishing Co., Guilford, Connecticut. 1976. \$4.95.

Books of readings come in all shapes and sizes. Some show little thought and less organization in the selection of articles to be republished; many re-anthologize the same tired old items which have appeared in dozens of previous collections; and not a few are conceived of by their editors as vanity editions (reprinting all the editors' previously published material) or symbiotic efforts ("I'll print your articles; you print mine").

Prof. MacNamara (assisted by Eva Lee Homer) has come up with something refreshingly different and potentially quite useful to both instructors and students, and interesting too to practitioners in the major areas of criminal justice operations.

Organized into five, major sections ('Crime and Justice in America,' 'Law Enforcement: First Line of Defense,' 'The Judicial System,' 'Juvenile Justice,' and 'The Corrections System'), the selections are all current (most are 1975 and 1976); none, as far as I am aware, appears in any other anthology. The sources are diverse: The Police Chief, The Futurist, Columbia Journalism Review, Psychology Today, U.S. News and World Report, Criminology: An Interdisciplinary Journal, The New Republic, Trial Magazine and the Los Angeles Times, giving some idea of the scope of the forty selections. Senator Edward Kennedy, Supreme Court Justice Warren Burger, James Q. Wilson, and Tom Wicker of the New York Times are among the many authors represented. Incidentally, Anthony Simpson's article on police-women which appeared originally in the Law Enforcement News is included.

The 'Instructor's Guide' (available with classroom orders) contains abstracts of the articles and more than 200 questions for review or examination purposes.

—Robert Wagner

Marshall University Sponsors Swedish Study Tour

A group of 23 college students will participate in a Swedish study tour next summer to examine criminal justice procedures with officers and leaders of the Swedish National Police.

Marshall University's Comparative Criminal Justice Program will be conducted from June 13 to July 8 next year at the National Police College in Stockholm. A spokesman for the West Virginia university said Sweden was chosen because its low crime rate and modern, well-organized police force provide a new look at the way other nations handle crime control.

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Viewer Response to Television Violence: Imitation and Concern

Continued from Page 11

the time he has graduated from high school...He will have witnessed some 18,000 murders and countless highly detailed incidents of robbery, arson, bombing, forgery, smuggling, beating and torture. . . . Studies on viewing patterns of our nation's youth have indicated that lower income youngsters spend more time watching television than others and that many children spend more time watching television than they spend in school. Anne R. Sommers in her 1976 article in the New England Journal of Medicine concludes that violence on TV is a risk factor leading to "pollution of the mind - which has contributed to an epidemic that seriously threatens the health of American youth."

In response to all the criticism of the effects of TV violence on children, the networks have instituted the "family

that "heavy viewers significantly overestimated the extent of violence and danger in the world. Their heightened sense of fear and mistrust is manifested in their typically more apprehensive responses to questions about their own personal safety, about crime and law enforcement and about trust in other people."

Politicians and citizens are finally waking up to the problem of violence in media and are beginning to take action against it.

Chicago's Mayor Richard Daley is trying to pass a city ordinance that will prohibit persons under 18 years of age from seeing films that primarily focus on such acts as 'assaults, cuttings, stabings, shootings, beatings, sluggings, floggings, eye gougings, brutal kickings, burnings, dismemberments.' While such a law, if passed, may eventually prove to be in violation of the First Amendment, it will

cerned about the level of violence in the media is the NCCB the National Citizens' Committee for Broadcasting (1228 Connecticut Avenue, N.W., Washington, DC 20036). This group believes that the best way to apply pressure on the television networks is to apply pressure on those advertisers that support violent television programs. The NCCB plans to publish a quarterly index, the "Prime Time Violence Profile" that will rank TV networks, programs, and advertisers from the least to the most violent. This group also publishes various magazines and newsletters that monitor the proceedings of the Federal Communications Commission and report on media issues around the country.

The results of the first NCCB Violence Profile, covering the six weeks of TV programming which ended on July 23, 1976, are partially summarized in Tables 1 and 2. Table 1 presents a ranking of the 25 most violent prime time shows aired during the monitoring period. Table 2 presents a rank ordered list of the 20 advertisers that have sponsored the most violent prime time programs aired during the monitoring period. In addition, we have included the names and addresses of the ten "most violent" sponsors and the addresses of the three national TV networks.

Citizens underestimate their potential

power to influence the networks through pressure on advertisers. The October 18, 1976 issue of Advertising Age had a front page article entitled "Anti-TV Violence Mood Getting Worse." The article reported the fact that "just about everyone, including Jimmy Carter, has denounced violent TV programming." It went on to report that then candidate Carter "hasn't pushed the issue, but. . . did shock Hollywood in August when he implied that consumer boycotts against violence would receive tacit encouragement from a Carter Administration." In addition, the article revealed the results of a recent study conducted by the J. Walter Thompson Co. which indicates that large segments of the viewing public are disgusted by media violence. The reports suggest that "enough viewers seem to be ready to take their anger out on advertisers to make the airing of commercials within violent programs a risky business indeed."

Law Enforcement News will periodically publish the results of the NCCB "Violence Profiles." Those law enforcement officials concerned with the effects of media violence can disseminate this information to residents in their community. Police and citizens alike can easily apply pressure on the networks and on their advertisers in the form of letters, petitions and consumer boycotts.

ADVERTISER RANKING

The ranking of advertisers according to the amount of violence they sponsored in prime time

- | | |
|---|---|
| 1. Tegrin Medicated Shampoo
Mr. Lenoard Block
Block Drug Co.
257 Cornelson Ave.
Jersey City, NJ 07302 | 6. Breck Hair Products
Mr. A. L. Munsell
John H. Breck Inc.
Berdan Ave.
Wayne, NJ 07470 |
| 2. Burger King
Mr. James W. McLamore
Burger King Inc.
P.O. Box 338 Kendall Branch
Miami, FL 33156 | 7. Ford
Mr. Lee A. Iacocca
Ford Motor Co.
The American Road
Dearborn, MI 48121 |
| 3. Clorox Products
Mr. K. B. Shetterly
The Clorox Co.
7901 Oakport St.
Oakland, CA 94620 | 8. Johnson & Johnson Prod.
Mr. P. B. Hoffman
Johnson & Johnson, George & Hamilton
New Brunswick, NJ 08901 |
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Mr. George H. Lesch
Colgate-Palmolive Co.
300 Park Ave.
New York, NY 10022 | 9. American Motors Corp.
Mr. Roy D. Chapin, Jr.
American Motors Corp.
14250 Plymouth Rd
Detroit, MI 48232 |
| 5. Gillette Hair Products
Mr. Vincent C. Zeigler
The Gillette Co.
Prudential Tower Bldg.
Boston, MA 02199 | 10. Lysol Products
Mr. R. M. Kirk
Lehn & Fink Products Inc.
225 Summit Ave.
Montvale NJ 07645 |
| 11. Schlitz Beer | 16. Ban Deodorant |
| 12. Clairol Products | 17. Stayfree Mini Pads |
| 13. Datsun | 18. Opel |
| 14. Gillette Razor & Var | 19. McDonalds Restaurants |
| 15. Datri | 20. Revlon Cosmetics |

hour," that is, an hour of prime time (8 P.M.-9 P.M.) each night to contain a minimum of violent content. However, this has been a mere chimera, since there has been no significant reduction in overall TV violence since the introduction of the "family hour." Max Gunter in the November 6, 1976 issue of TV Guide reviewed the recent results of the Annenberg "Violence Profile." He reports that the drop in violence during the "family hour" has been "offset by a stunning rise during the hours after 9 P.M. The profile also shows a jump since 1974 in violence on weekend daytime shows, generally thought of as children's territory."

Exposure to the hours of murder and mayhem televised each evening can also have negative effects on adults and on those who are not inspired to imitate media depicted crimes. A recent study by Dr. George Gerbner and Dr. Larry Gross of the Annenberg School of the University of Pennsylvania tested the attitudinal differences between heavy viewers (those who watch four or more hours a day) and light TV viewers. They found

demonstrate that the public is deeply disturbed about the irresponsibility of those in the production and exhibition ends of the motion picture industry.

Several citizen and public interest groups have been formed to exert pressure on the TV networks to lower the level of violence that is broadcast. One such group is Action for Children's Television (46 Austin Street, Newtonville, MA 02160). ACT originally began as an informal group of parents, teachers, physicians and television professionals, who were concerned about excessive violence on children's television. They have now grown into a national non-profit organization which applies pressure on legislative groups, broadcasters, and advertisers in an effort to obtain high-quality, non-violent programming. In addition, they sponsor conferences and publish informative newsletters, pamphlets and bibliographies that can be useful to parents, educators, broadcasters, law enforcement officials and all citizens interested in reducing the violence level in television.

Another public interest group con-

New Publications from the Criminal Justice Center

The following publications are now available from the Criminal Justice Center of John Jay College of Criminal Justice.

Evidence Technician Program Manual _____ # of Copies
By Joseph L. Peterson and James H. Jones \$2.95

This manual examines the role of police officers and civilians charged with the responsibility of searching crime scenes for physical evidence and returning it to the forensic laboratory for analysis. The authors discuss five important aspects of developing an effective evidence technician program, including: selection and training of personnel, the physical resources needed for the processing of crime scenes, optimal organizational structures, effective field operations, and guidelines for developing meaningful evaluations. (89 pp.)

Guide to Library Research in Public Administration _____ # of Copies
By Antony E. Simpson \$4.95

This book was especially written for graduate students, undergraduates, faculty and organizationally-based researchers, engaged in research in public administration. It also includes material likely to be of considerable value to students in other specialties within the social sciences.

The major sources and reference tools which provide access to the literature of the field are cited and described and are discussed in the context of an overall library search strategy designed to solve any given research problem. (210 pp.)

Grants and Grantsmanship _____ # of Copies
By Robert E. Gaensslen and Allanna Sullivan \$.75

For many organizations, seeking external funding is becoming a matter of prime concern. Because of the present economic crunch, the programs and services of agencies are being cut and modified. Therefore "grantsmanship" is fast becoming a necessary skill. To help inform those in the criminal justice field of the intricacies involved in acquiring a grant, the Criminal Justice Center at John Jay College has reprinted "Grants and Grantsmanship," a three-part series published in LAW ENFORCEMENT NEWS (16 pp.)

Basic Legal Research in the John Jay College of Criminal Justice Library _____ # of Copies

By Antony E. Simpson \$1.50

Written to meet the particular needs of the John Jay College student body, this booklet presents discussion and descriptions of selected bibliographic sources appropriate for legal research involving federal, New York State and New York City law. Such tools as citators, digests and encyclopedia are discussed in depth. The booklet provides a valuable and concise introduction to legal bibliography and standard techniques of legal research. (42 pp.)

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Orlando Crime Scene Course Stresses Realism Via Simulation

Members of the Orlando, Florida Police Department have burglarized safes, smashed cars and prepared bogus grave sites in an effort to make the department's recent evidence technician course more realistic.

Completed last month, the two-week course encouraged instructors to challenge their students with dynamically simulated field problems.

Sergeant Ron Page, who commands the department's Latent Print Section, said the simulations were made as real as humanly possible. "Automobiles were obtained which were smashed into trees and rolled over," he said. "Human blood and hair embedded in the windshields, fabric embedded in the crushed metal, skidmarks, street

breaking and entering, five burglarized safes, weighing as much as one-half ton each, were placed in simulated crime scenes. "File cabinets, desks, chairs, telephones, beer cans, cigarette butts, tire and shoe tracks, urine, fingerprints, and shattered glass, made possible the reconstruction, collection, and preservation of evidence — more than enough to prepare an excellent case," Page said.

To prepare the technicians for the rigors of testifying in court, each student was subjected to "a grueling turn in the witness chair" under the cross-examination of experienced defense attorneys, according to Page. "Any future appearances in actual cases should prove to be easy after this experience," he added.

The sergeant considered a rape-homicide simulation one of the main highlights of the course. "Two gallons of human blood,



Crime scene technicians study the "victim" of a "rape homicide." This aspect of the Orlando training course was felt to be one of the most realistic.

signs, fire hydrants, and a bloody, mutilated mannequin, helped to create realism in the 'Traffic-Homicide field problem.'

For a course section which concerned the detection and excavation of buried bodies, two graves were prepared a few months before the simulation was to take place. Meaty bones were placed at the bottom of each grave, and as they were filled in, various items of trace evidence were placed at different levels.

"The training provided by the instructors, of which one was a dedicated archaeologist, made possible the detection and excavation of these graves with the recovery of all evidence," Page said, "even though the sites had been grown over, rained on, and nearly returned to their original natural appearance."

Members of the Orlando Fire Department became part-time arsonists to aid course instructors in teaching arson processing techniques. The firefighters set fire to and extinguished five condemned houses so students could determine the fire's point of origin, find the method of ignition, and collect evidence to support their theories.

In an evidence collection exercise on

FBI Shifts Directors Of Tampa, New Orleans Field Offices

The Federal Bureau of Investigation will transfer Francis M. Mullen Jr., special agent in charge of its Tampa, Florida office, to New Orleans to head the agency's field office there, the Bureau said recently.

Phil McNiff, who is presently in the Bureau's New York office, will succeed Mullen in Tampa. The shift is scheduled to take place on December 23.



(Above) One of two sample graves is dug months prior to the course. (Below) Later, participants in the program used sensitive metal detection equipment to pinpoint the gravesites, which had since become camouflaged with undergrowth.



clothing, knives, guns, bullets fire into walls and numerous other 'props' including dead rats to provide odor, created all but the 'real thing,' " Page declared.

The 96-hour course included a five-hour critique and a two-hour examination.

COUNSELOR AT LARGE

By MICHAEL BLINICK, Esq.

Aspects of Resolving Conflict

This column will continue the enumeration of methods for accommodating the legitimate interests (LI's) of the parties in disputes related to law enforcement.

There are five general points to bear in mind during this process:

1) No LI may be left unprotected. It is not acceptable to say, when some opponent raises a valid point, "That's your problem!" While the matter may indeed be his legal and moral responsibility, it is really your problem, too, insofar as you can help him to protect his LIs and fulfill his responsibilities. He, of course, has a reciprocal responsibility with respect to helping you to do what you must, and what you desire to do, in a way that violates no one's LIs. Both of you have this duty with respect to the interests of others who are not represented at the bargaining table.

This is really an application of the Golden Rule. But it also has a distinct practical value. When you try to help the other fellow solve his problems, and protect him from any negative side effects of whatever it is you want, it is much easier getting him to perceive you legitimate views.

2) Always prepare the other side's ease along with your own. Many experienced attorneys, in readying themselves for a trial or hearing, devote some time to imagining what they would say and do if they were representing the adverse party. This exercise helps them to do a better job for their own clients. You too should make use of this practice in preparing for a confrontation; it will enable you to see the merit in the other party's position and anticipate his specific requests.

3) Concentrate on avoiding negatives rather than on seeking positives. It's easier to agree on what is unjust, or on what constitutes bad faith, than on what is just, or what constitutes good faith. This is because positive virtues appear to us in concrete form, readily grasped, and able to arouse strong responses in us.

4) Don't worry about being unable to solve all aspects of a problem at once. Once a large amount of conflict is resolved, it will no longer be the same situation. Instead there will be a smaller set of difficulties to cope with — details which can be approached from a different stance, using newly freed resources from the prior successes. Furthermore, changes that people would have vetoed might now be agreeable to them, after they have been reassured by the favorable outcome of partial reforms.

5) Analyze on the basis of individuals, not groups or entities. To avoid sloppy thinking, don't automatically assume that groups, institutions, agencies, corporations, governmental units, and other collective bodies have LIs. While they may possess "rights" enforceable in the courts, it would be well, while participating in the process described here, to consider the LIs of individuals, either standing alone or teamed together, as the criteria of judgment.

Thus, the people in a city, not the city itself, would have LIs. In a school situation involving rowdy and assaultive behavior by youngsters, for example, the teachers, administrators, pupils, parents, and individuals in the community at large all would have LIs; but the school itself, and the entire school system, probably would not. If you analyze carefully, you will see that what would appear to be the LIs of the school are actually those of people for whose benefit the school was established, or of those who are linked to it in some way. The same goes for a business firm whose shareholders or proprietors would have LIs, but not the company itself. Even racial and ethnic groups, which are usually thought of as monolithic units, would be less often misperceived if their members were viewed as individuals with widely differing characteristics and needs.

A corollary of this guideline was suggested by the legal philosopher Edmond Cahn. He said that the justice or "rightness" of an act or policy should be assessed from the standpoint of the individuals affected by it, not from that of the government or society. Rather than talk about the rights of society versus the rights of the individual, it might be more illuminating and more correct to speak of the rights of one individual versus the rights of other individuals. "Society" is an abstraction symbolizing all of us, viewed collectively; the government, regardless of agency, level, or branch should be required to represent the LIs of individuals. If we cannot articulate precisely what LIs are being protected by particular government action or inaction, or by some claimed "right of society," we had better take a much closer look. Illegitimate interests can wrap themselves in a false cloak of propriety.

Criminality, Mental Illness Connection More Myth Than Fact, Doctors Claim

Continued from Page 6

action patterns. These included: anger, pride, sentimentality, suggestibility, loner, lying, lack of time perspective, failure to put oneself in another's position and super-optimism.

Because the study's concept places the burden of a criminal act on thinking and action patterns rather than on mental illness, The Criminal Personality may have far-reaching implications in regard to the law. Samenow said that the study's findings may affect the Durham rule, which holds that a person is not criminally responsible if his conduct can be shown to be the product of mental disease or defect.

"It's original intent was to enable a

person to, have treatment rather than be confined," Samenow noted.

In a review of the book in the Federal Bar Journal, attorney Joseph Borkin stated, "The implications for the Durham rule of the authors' concept of criminal responsibility are no less disturbing. Are they saying that mental disease and crime have no relationship? Yes, that is exactly what they are saying."

"In this first volume, the authors have challenged the traditional concepts of criminology and criminal responsibility," Borkin added. "If these conclusions can be verified by other independent investigators, they may indeed prove shattering to the entire system of criminal justice."

January 19-21, 1977. Crime Analysis Course. To be held in Los Angeles. The three-day course takes an in-depth look at recent crime analysis development, the collection and interpretation of data, and strategies for implementing an effective crime analysis unit. Tuition: \$225.00. For details, write: Michael E. O'Neill, Vice President, Theorem Institute, 1737 North First Street, Suite 590, San Jose, CA 9512.

January 31-February 4, 1977. Seminar on Arson Investigation. To be held in New York, New York. Tuition fee: \$50.00. For complete details, contact: Nancy Rutkowski, Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600.

January 31-February 4, 1977. Seminar: "Computerized Police Patrol Management Using the Hypercube Programs." To be held in St. Louis, Missouri. Tuition of \$395.00 includes the cost of all text and instructional materials and all data processing expenses. For more details, contact: Or. Nelson Heller, The Institute for Public Program Analysis, 230 South Bemiston, Suite 914, St. Louis, Missouri 63105. Telephone: (314) 862-8272.

February 6-8, 1977. Workshop: Executive Development for Georgia Association of Chiefs of Police. To be held in Athens, Georgia. For details, call or write: Mike Swanson, Continuing Education Program, Police Sciences Division, Institute of Government, University of Georgia, Athens GA 30602. (404) 542-2994.

February 7-9, 1977. Workshop: "The Crime of Rape - The Police Response." At University Park, Pennsylvania. Fee: \$175.00. For application and further details, contact: Edwin J. Donovan. The Pennsylvania State University, S-203 Henderson Human Development Building, University Park, PA 16802. (814) 863-0357.

February 7-11, 1977. Seminar: Law Enforcement Records Systems for Small Departments. Presented by Indiana University's Center for Criminal Justice Training. To be held in Atlanta. Tuition: \$200.00. For more information, contact: Center for Criminal Justice Training, Indiana University, School of Public and Environmental Affairs, Harrison Building, Suite 502, 143

Upcoming Events

Market Street, Indianapolis, IN 46204.

February 7-11, 1977. Basic Fingerprint Course. Presented by the Florida Institute for Law Enforcement. Tuition: \$15.00. For more details, contact: Robert B. Tegarden, Director, Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733.

February 7-18, 1977. Management Seminar on Terrorism. Presented by the New Jersey State Police. Transportation costs to and from the seminar will be funded in full, and all meals and lodging are provided. A detailed brochure and registration form can be obtained from: Terrorism and Civil Disorder Seminar, State Police Training Center, Sea Girt, NJ 08750.

February 13-17, 1977. Trial Techniques Seminar. Presented by the National College of District Attorneys. To be held in Salt Lake City. For further information, contact: Registrar, National College of District Attorneys, College of Law, University of Houston, Houston, TX 77004.

February 14-18, 1977. Advanced Latent Fingerprint Course. Presented by the Florida Institute for Law Enforcement. Mailing address can be obtained by consulting February 7-11.

February 14-18, 1977. Workshop: Organization and Management of Multi-Agency Narcotic (MAN) Units. To be held in Columbus, Ohio by IACP's Professional Development Division. Details can be obtained from: Ray Garza, Police Management and Operations Divisions, IACP 11 Firstfield Road, Gaithersburg, MO 20760. (301) 948-0922.

February 14-25, 1977. Mid-Winter Se-

minar on Current Problems and Concepts in Police Administration. To be held in Louisville, Kentucky. Tuition: \$300.00. For further information and registration, contact: Seminar Coordinator, Southern Police Institute, School of Police Administration, University of Louisville, KY 402-08. (502) 636-4534.

February 20-24, 1977. Institute for Newly Elected Prosecutors. To be held in Houston under the sponsorship of the National College of District Attorneys. For more information, see February 13-17.

February 21-22, 1977. Security and Privacy Course. To be held in Los Angeles, California. The two-day course is designed for all criminal justice agency personnel who are concerned with privacy and security issues. Tuition: \$155.00. For mailing address, consult: January 19-21.

February 23-25, 1977. Productivity Measurement and Improvement Course. Sponsored by the Theorem Institute, and to be held in Los Angeles, California. Tuition: \$225.00. For the institute's address, see January 19-21, 1977.

February 28-March 11, 1977. Management Seminar on Terrorism. For details, see February 7-18, 1977.

February 28-March 11, 1977. Police Budget Preparation Workshop. At Northwestern University, Evanston Illinois. Workshop fee: \$380.00. For more information, contact: George Burnett, Special Programs Supervisor, Traffic Institute, Northwestern University, 405 Church Street Evanston, IL 60204. (312) 492-7242.

March 7-10, 1977. Training Course: Development of Computer Capability in Local Law Enforcement Agencies. To be

held in New Orleans, Louisiana by the International Association of Chiefs of Police. For details, see January 10-13, 1977.

March 7-11, 1977. Seminar on Homicide and Major Crime Scene Investigation. To be held at Del Webb's Towne House Hotel in Phoenix, Arizona. The course provides mid-career training for the experienced homicide investigator. The seminar fee of \$200.00 includes tuition and all required study and reference materials. For more information, contact George Burnett, Special Programs Supervisor, Traffic Institute, Northwestern University, 405 Church Street, Evanston, IL 60204.

March 7-18, 1977. Police Supervisor Inservice Training (POSIT) program. At University Park, Pennsylvania. Tuition: \$475.00. For further details, contact: Edwin J. Donovan, Training Supervisor, Police Supervisors Inservice Training, The Pennsylvania State University, S-203 Human Development Building, University Park, PA 16802.

March 14-16, 1977. Seminar on Security Supervision. To be held in Indianapolis. Tuition: \$75.00. For further details, consult February 7-11, 1977.

March 14-18, 1977. Workshop: "Police Manpower and Resources Management. To be held in Denver by IACP's Professional Development Division. Further information can be obtained from Ray Garza, Police Management and Operations Division, IACP, Firstfield Road, Gaithersburg, MD 20760. (301) 948-0922.

March 20-23, 1977. Consumer Fraud Seminar. To be held in San Antonio, Texas, under the sponsorship of the National College of District Attorneys. For additional information, see February 13-17, 1977.

March 20-24, 1977. Fourth National Conference on Juvenile Justice. Sponsored by the National Council of Juvenile Court Judges and the National District Attorneys Association. To be held at the Hyatt House, Orlando, Florida. Tuition: \$160.00. For complete details, write: Institute Director, National Council of Juvenile Court Judges, University of Nevada, Post Office Box 8000, Reno, NV 88507.

St. Louis PD Plans New Firearms Policy Following Court Ruling

Continued from Page 1

laws. One permits police to "use all necessary means" to arrest suspects in felony cases or crimes carrying serious penalties. The other states that killing a person "in attempting by lawful ways and means to apprehend" the felony suspect is justifiable homicide.

While the St. Louis Police Department manual does not impose additional restrictions on its officers, policemen there have been told repeatedly by Police Chief Eugene J. Camp to limit their shooting of suspects to certain situations.

Camp formalized the suggestion a week after the decision was handed down, when he issued a temporary order to the force to desist from shooting at burglary suspects or at vehicles fleeing from police unless the escaping suspects exhibit deadly force.

The chief specified that burglars should not be fired upon "unless the suspect is armed with a gun, knife, club, pipe or any instrument capable of inflicting bodily injury and; most important, [unless] the suspect threatens the officer or

other persons with harm."

The Board of Police Commissioners supported the chief's action.

Last summer, the department's inspector of police, Lt. Col. Atkins W. Warren, had recommended a change in the firearms policy similar to the one ordered by the Court of Appeals. However, Camp had not acted on it until the recent court ruling.

The chief noted that his order was a stopgap to avoid liability on the part of police officer. He added that he was displeased with the court's decision, "but there's no alternative. We have to comply."

The Missouri Attorney General's Office is also unhappy with the ruling. Observers expect the Attorney General to ask the U.S. Supreme Court to review the case because it was decided by a one-vote margin. If such an appeal is accepted, the Court could suspend the ruling until it acts on the case.

John Livingston, the Police Board's legal advisor, noted that the appellate court's opinion failed to answer numerous

questions likely to be raised by police officers. "We need guidelines, because police often don't have time to make an instant judgement that could subject them to criminal or civil liability," he said.

Meanwhile, the Missouri Legislature is considering a proposed revision of sections of the criminal code relevant to the issue of police use of firearms. However, that proposal runs counter to the court decision because it would permit officers to use deadly force against any fleeing felony suspect if the officer felt the force was "immediately necessary" to make an arrest.

The decision involved a 1971 case in which Robert Marek, a police officer in Olivette, Missouri tried to capture one of two persons discovered at 1:20 A.M. in a golf driving-range office. During the incident, Marek had warned, "Stop or I'll shoot," and then fired a bullet that killed 18-year-old Michael Mattis.

Mattis's father, Dr. Robert Dean Mattis, a physician requested legal help from the Civil Liberties Union affiliate in eastern

Missouri.

A lower Federal District Court had upheld the state law. However, the appeals court, in overturning it, declared that the law was derived from a 15th century English common law rule that allowed the use of deadly force to arrest suspects in felonies. The court noted that at that time all felonies were punishable by death so that "the use of deadly force was seen as merely accelerating the penal process."

There are 24 states that have codified such common law. They include Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Idaho, Indiana, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, South Dakota, Tennessee, Washington and Wisconsin.

Seven other states have more narrowly specified felonies in which deadly force may be used in arrests, or have said that only "forcible felonies" justify its use, according to the majority decision. These are New York, Georgia, Illinois, North Dakota, Oregon, Pennsylvania and Utah.

San Francisco Sets \$5.2M Effort To Counter Rising Crime Rates

Continued from Page 1

his often radical stands on law enforcement, added that "Newark, Washington, D.C., Gary, Indiana, have all suffered from the results of great influxes that destroyed their homogeneous nature and brought increased crime."

While agreeing with Gain on the cause of San Francisco's crime woes, Supervisor Barbagelata summed up the problem somewhat differently. "This place is a haven for people operating on one cylinder, who blow when the pressure is too much," he observed.

The anti-crime program, which will involve \$4.9 million in federal funds and an additional \$362,000 in city money, would enable the city to add 200 officers and 200 civilians to the police force.

Further, Moscone said that \$600,000 would be used to pay 24 police officers to work overtime riding the city buses to deter a spree of purse-snatchings and assaults.

As part of the plan, the city's Public Utilities Commission was asked to provide funds for a permanent security force on buses "in view of the continuing acts of terrorism perpetrated against . . . passengers on a daily basis by juveniles and young adults."

Moscone declared that \$390,000 would be used to free 23 police officers from desk jobs and assign them to street duty. Other funds would finance an expanded citizen safety project that recruits neighborhood residents to watch out for suspicious-looking persons, according to the mayor.

Noting the moves being made to beef up his department, Chief Gain said he was glad to be getting the added manpower, and that he would attempt to restore public confidence by saturating problem areas with police presence. He added, however, that he doubted whether this action would

achieve lasting results.

"Based on experience elsewhere," Gain said, "the additional police and additional arrests will neither result in allaying citizen fear nor in decreasing the crime rate."

Charge Bribe-Taking By NYS Senate Aide In Parole Case

A New York State legislative assistant who was hired as a counselor to prison inmates was arrested this month on a charge of receiving a bribe in exchange for offering to get a state prisoner paroled.

Ellen O'Meara, a legislative assistant to State Senator Karen S. Burstein, has a past record of 28 arrests on charges ranging from bookmaking to grand larceny. The 37-year-old Long Island woman had spent the past three years in prison after a 1974 arrest on charges of operating a steal-to-order ring of heavy construction equipment.

O'Meara was arrested after a three-month investigation by the Nassau County District Attorney's office. District Attorney Denis E. Dillon said that a court-ordered wiretap had been placed on O'Meara's telephone, based on evidence uncovered during an unrelated investigation of the defendant.

"Conversations overheard between O'Meara and Dorothy Stevens, the girlfriend of Angelo DiGiovanni, an inmate at Clinton State Prison, revealed that O'Meara told Stevens that in her capacity as a legislative aide to the Senator she had arranged for DiGiovanni to be paroled, but that a snag had developed and that she needed money to pay the man who was helping her," Dillon said.

New Products For Law Enforcement

Items about new or modified products are based on news releases and/or other information received from the manufacturer or distributor. Nothing contained herein should be understood to imply the endorsement of Law Enforcement News.

WATCHMAN TOUR SYSTEM — A guard supervision device which requires watchmen to follow a prescribed sequence of check stations within a programmed time schedule has received a U.S. patent.

Sentry's TOURKEY system monitors the actions of security personnel and signals any guard delinquencies, whether due

Shot on location throughout the United States with the cooperation of young people, their parents, counselors, and juvenile court judges, the 16mm color/sound documentary explores every aspect of the runaway problem.

The 26-minute film is distributed on behalf of the Michigan Coalition of Runaway Services and the Office of Children and Youth of the Michigan Department of Social Services. It is recommended for use by schools, libraries, churches, and youth, community and professional groups.

For a brochure and order form, contact Bandanna Media, Inc., 572 St. Clair, Grosse Pointe, MI 48230. Telephone: (313) 885-2491.

ELECTRIC EYE — The Ray-O-Matic LV-4 Electric Eye is a complete annunciator system that automatically announces visitors by sounding an audible chime when activated.

Featuring a solid state transceiver electric eye, the system comes complete with a chime, transformer, brackets, retro-reflector, 70 feet of wire and simple installation instructions.

In operation, the LV-4 sends a beam of light across any opening or door to a retro-reflector mounted opposite the transceiver



to negligence, illness, or attack.

Since the unit uses existing telephone lines and requires no power at its passive stations, installation is relatively fast and simple.

The TOURKEY can be programmed for any number of stations, and operates on a rechargeable battery. It can be incorporated into a complete digital central station alarm reporting system, which is available from Sentry.

More information can be obtained from: Marketing, Sentry Technology, Incorporated, Santa Cruz, California 95066. Telephone: (408) 438-3311.

ALARM SYSTEM — Receptors' Series 700 unit is a modular, multiplex alarm system that employs solid state circuit board "building blocks" for flexible, low-cost operation.

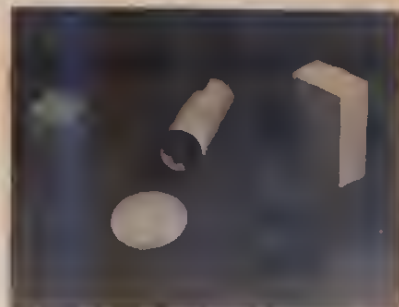
Capable of operating on either a "stand-alone" basis, or with all other Receptors' multiplex systems, the unit is designed especially for the alarm company or proprietary alarm user who wants to expand his alarm monitoring and reporting operations to facilities remote from his present sphere of operations.

Through the use of Signal Stream Multiplexing, the system is capable of monitoring up to 128 sensors at one or more remote locations and delivering sensor activity to a variety of locations over a single communications channel. The channel medium can be a single twisted wire pair, telephone company facilities or radio.

The new system includes such features as modular terminal assembly, error-free communications to prevent false alarms, voice grade communications facilities, display of data at any terminal, crystal controlled timing, and numerous input/output modules.

For additional information, contact: Receptors, Incorporated, 4203 Spencer Street, Torrance, California 90503.

RUNAWAY FILM — "Walkin's Too Slow" portrays the true story of six runaways who reveal their personal experiences with the juvenile justice system, in crisis centers, and on the streets of America.



unit. Anything or anyone passing between the units breaks the beam of light and sends an impulse through the low voltage line between the transceiver and chime, causing the device to ring.

The system is waterproof and can be used outdoors, across driveways. It comes with a one-year factory guarantee.

For complete information, write Snyder Electronics, Incorporated, 2082 North Lincoln Avenue, Altadena, California 91001.

Washburn U. Concludes CJ Planning Practicum

A group of midwest criminal justice planners recently completed a week-long course designed to provide a greater understanding of the planning process.

Presented by the Criminal Justice Planning Institute of Washburn University in Topeka, Kansas, the workshop covered such topics as the history of LEAA and criminal justice planning, task analysis, and determining planning goals.

A simulated planning exercise was featured at the conclusion of the course. Participants presented mock programs before a criminal justice "superboard" council which denied or approved the projects for funding.

"The institute provided a valuable tool to which those persons in the planning field could incorporate into their jobs as well as refer back to in their course of planning," one participant said.

—Ashley F. Fields

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